



PORT MACQUARIE-HASTINGS
COUNCIL



Development Assessment Panel

Business Paper

date of meeting: Wednesday 26 February 2020

location: Function Room
Port Macquarie-Hastings Council
17 Burrawan Street
Port Macquarie

time: 2:00pm

Note: Council is distributing this agenda on the strict understanding that the publication and/or announcement of any material from the Paper before the meeting not be such as to presume the outcome of consideration of the matters thereon.

Development Assessment Panel

CHARTER

1.0 OBJECTIVES

To assist in managing Council's development assessment function by providing independent and expert determinations of development applications that fall outside of staff delegations.

2.0 KEY FUNCTIONS

- To review development application reports and conditions;
- To determine development applications outside of staff delegations;
- To refer development applications to Council for determination where necessary;
- To provide a forum for objectors and applicants to make submissions on applications before the Development Assessment Panel (DAP);
- To maintain transparency in the determination of development applications.

Delegated Authority of Panel

Pursuant to Section 377 of the Local Government Act, 1993 delegation to:

- Determine development applications under Part 4 of the Environmental Planning and Assessment Act 1979 having regard to the relevant environmental planning instruments, development control plans and Council policies.
- Vary, modify or release restrictions as to use and/or covenants created by Section 88B instruments under the Conveyancing Act 1919 in relation to development applications for subdivisions being considered by the panel.
- Determine Koala Plans of Management under State Environmental Planning Policy 44 - Koala Habitat Protection associated with development applications being considered by the Panel.

Noting the trigger to escalate decision making to Council as highlighted in section 5.2.

3.0 MEMBERSHIP

3.1 Voting Members

- Two independent external members. One of the independent external members to

be the Chairperson.

- Group Manager Development Assessment (alternate - Director Development & Environment or Development Assessment Planner)

The independent external members shall have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, economics, traffic and transport, law, engineering, government and public administration.

3.2 Non-Voting Members

- Not applicable

3.3 Obligations of members

- Members must act faithfully and diligently and in accordance with this Charter.
- Members must comply with Council's Code of Conduct.
- Except as required to properly perform their duties, DAP members must not disclose any confidential information (as advised by Council) obtained in connection with the DAP functions.
- Members will have read and be familiar with the documents and information provided by Council prior to attending a DAP meeting.
- Members must act in accordance with Council's Workplace Health and Safety Policies and Procedures
- External members of the Panel are not authorised to speak to the media on behalf of Council. Council officers that are members of the Committee are bound by the existing operational delegations in relation to speaking to the media.
- Staff members shall not vote on matters before the Panel if they have been the principle author of the development assessment report.

3.4 Member Tenure

- The independent external members will be appointed for the term of four (4) years maximum in which the end of the tenure of these members would occur in a cascading arrangement.

3.5 Appointment of members

- The independent external members (including the Chair) shall be appointed by the General Manager following an external Expression of Interest process.
- Staff members of the Panel are in accordance with this Charter.

4.0 TIMETABLE OF MEETINGS

- The Development Assessment Panel will generally meet on the 1st and 3rd Wednesday each month at 2.00pm at the Port Macquarie offices of Council.
- Special Meetings of the Panel may be convened by the Director Development & Environment Services with three (3) days notice.

5.0 MEETING PRACTICES

5.1 Meeting Format

- At all Meetings of the Panel the Chairperson shall occupy the Chair and preside. The Chair will be responsible for keeping of order at meetings.
- Meetings shall be open to the public.
- The Panel will hear from applicants and objectors or their representatives.
- Where considered necessary, the Panel will conduct site inspections which will be open to the public.

5.2 Decision Making

- Decisions are to be made by consensus. Where consensus is not possible on any item, that item is to be referred to Council for a decision.
- All development applications involving a proposed variation to a development standard greater than 10% under Clause 4.6 of the Local Environmental Plan will be considered by the Panel and recommendation made to the Council for a decision.

5.3 Quorum

- All members (2 independent external members and 1 staff member) must be present at a meeting to form a quorum.

5.4 Chairperson and Deputy Chairperson

- Independent Chair (alternate, second independent member)

5.5 Secretariat

- The Director Development & Environment is to be responsible for ensuring that the Panel has adequate secretariat support. The secretariat will ensure that the business paper and supporting papers are circulated at least three (3) days prior to each meeting. Minutes shall be appropriately approved and circulated to each member within three (3) weeks of a meeting being held.
- The format of and the preparation and publishing of the Business Paper and Minutes shall be similar to the format for Ordinary Council Meetings.

5.6 Recording of decisions

- Minutes will record decisions and how each member votes for each item before the Panel.

6.0 CONVENING OF “OUTCOME SPECIFIC” WORKING GROUPS

Not applicable.

7.0 CONFIDENTIALITY AND CONFLICT OF INTEREST

- Members of the Panel must comply with the applicable provisions of Council’s Code of Conduct. It is the personal responsibility of members to comply with the standards in the Code of Conduct and regularly review their personal circumstances with this in mind.
- Panel members must declare any conflict of interests at the start of each meeting or before discussion of a relevant item or topic. Details of any conflicts of interest should be appropriately minuted. Where members are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from deliberations on the issue where the conflict of interest may exist. A Panel meeting may be postponed where there is no quorum.

8.0 LOBBYING

- All members and applicants are to adhere to Council’s Lobbying policy. Outside of scheduled Development Assessment Panel meetings, applicants, their representatives, Councillors, Council staff and the general public are not to lobby Panel members via meetings, telephone conversations, correspondence and the like. Adequate opportunity will be provided at Panel inspections or meetings for applicants, their representatives and the general public to make verbal submissions in relation to Business Paper items.

Development Assessment Panel

ATTENDANCE REGISTER

Member	23/10/19	13/11/19	27/11/19	11/12/19	22/01/20	12/02/20
Paul Drake	✓	Cancelled	✓	✓	✓	✓
Robert Hussey						✓
David Crofts (alternate member)	✓		✓	✓	✓	
Dan Croft (Group Manager Development Assessment) (alternates) - Development Assessment Planner	✓		✓	✓	✓	✓

Key: ✓ = Present

A = Absent With Apology

X = Absent Without Apology

Meeting Dates for 2020

22/01/2020	Function Room	2:00pm
12/02/2020	Function Room	2:00pm
26/02/2020	Function Room	2:00pm
11/03/2020	Function Room	2:00pm
25/03/2020	Function Room	2:00pm
8/04/2020	Function Room	2:00pm
22/04/2020	Function Room	2:00pm
13/05/2020	Function Room	2:00pm
27/05/2020	Function Room	2:00pm
10/06/2020	Function Room	2:00pm
24/06/2020	Function Room	2:00pm
8/07/2020	Function Room	2:00pm
22/07/2020	Function Room	2:00pm
12/08/2020	Function Room	2:00pm
26/08/2020	Function Room	2:00pm
9/09/2020	Function Room	2:00pm
30/09/2020	Function Room	2:00pm
14/10/2020	Function Room	2:00pm
28/10/2020	Function Room	2:00pm
11/11/2020	Function Room	2:00pm
25/11/2020	Function Room	2:00pm
16/12/2020	Function Room	2:00pm

Development Assessment Panel Meeting

Wednesday 26 February 2020

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Item: 01**Subject: ACKNOWLEDGEMENT OF COUNTRY**

"I acknowledge that we are gathered on Birpai Land. I pay respect to the Birpai Elders both past and present. I also extend that respect to all other Aboriginal and Torres Strait Islander people present."

Item: 02**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

Item: 03**Subject: CONFIRMATION OF PREVIOUS MINUTES**

RECOMMENDATION

That the Minutes of the Development Assessment Panel Meeting held on 12 February 2020 be confirmed.

PRESENT

Members:

Paul Drake
Robert Hussey
Dan Croft

Other Attendees:

Grant Burge

Chris Gardiner
Steven Ford
Ben Roberts

The meeting opened at 2:00pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

Nil.

03 CONFIRMATION OF MINUTES

CONSENSUS:

That the Minutes of the Development Assessment Panel Meeting held on 22 January 2020 be confirmed.

04 DISCLOSURES OF INTEREST

Robert Hussey declared a Non-Pecuniary - Less than Significant Interest in Item 06 - DA2019 - 425.1 Residential Flat Building and Strata Subdivision including Clause 4.6 Objection to Clause 4.3 (Height of Buildings) of the Port Macquarie Hastings Local Environmental Plan 2011, at Lot 12 DP122329, No. 50 William Street, Port Macquarie, in regard to reference to a matter in the NSW LEC (King v Gosford CC) mentioned in the assessment report. Mr Hussey gets no financial or other benefit in this decision making. Each application is assessed on its merits depending the individual facts and circumstances presented. On this basis Mr Hussey will remain in the room and participate in the Panel's determination.

**05 DA2018 - 837.1 ALTERATIONS AND ADDITIONS TO DWELLING AT LOT 373
DP 236950, NO 39 VENDUL CRESCENT, PORT MACQUARIE**

Speakers:
Penelope Short (o)
Derek Collins (applicant)
Michele Nocelli

CONSENSUS:

That DA2018 - 837.1 for Additions to Dwelling at Lot 373, DP 236950, No. 39 Vendul Crescent, Port Macquarie, be determined by granting consent subject to the recommended conditions.

06 DA2019 - 425.1 RESIDENTIAL FLAT BUILDING AND STRATA SUBDIVISION INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF THE PORT MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN 2011, AT LOT 12 DP122329, NO. 50 WILLIAM STREET, PORT MACQUARIE

Mr Robert Hussey declared a Non-Pecuniary - Less than Significant Interest in this item and remained in the room and took part in the discussion and voting thereon.

Dan Croft tabled the Clause 4.6 Justification report prepared by the applicant that supported the application noting that the report was not attached to the business papers.

The Chair confirmed that this report was being considered as part of the decision making process.

Speaker:
Ken Stratton (o)

CONSENSUS:

That DA 2019-425.1 for a Residential Flat Building and Strata Subdivision including Clause 4.6 Objection to Clause 4.3 (Height of Building) of the Port Macquarie Hastings Local Environmental Plan 2011 at Lot 12, DP 1222329, No. 50 William Street, Port Macquarie, be determined by granting consent subject to the recommended conditions and as amended below:

- Amend condition B(12) to read: 'Prior to the issue of the Construction Certificate, a dilapidation report shall be prepared by a suitably qualified person for buildings on adjoining properties. Such report shall be furnished to the Principal Certifying Authority and adjoining property owners.'

07 DA2019 - 506.1 2 LOT SUBDIVISION INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.1 (LOT SIZE) AND CLAUSE 4.4 (FLOOR SPACE RATIO) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AND ALTERATIONS AND ADDITIONS TO EXISTING DWELLING AT LOT 113 DP 754405, NO. 2 ARNOTT STREET, LAURIETON

Speakers:
Michelle Chapman (applicant)

CONSENSUS:

That it be recommended to Council that DA2019 - 506.1 for a 2 Lot Subdivision including Clause 4.6 Objection to Clause 4.1 (Lot Size) and Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 and Alterations and Additions to Existing Dwelling at Lot 113, DP 754405, No. 2 Arnott Street, Laurieton, be determined by granting consent subject to the recommended conditions and as amended below:

- Additional condition in Section E of the consent to read: "Prior to release of subdivision certificate an amended approval to operate the caravan park is to be submitted to and approved by Council."

08 DA2019 - 744.1 PART CHANGE OF USE (PHARMACY TO TAKE AWAY FOOD AND DRINK PREMISES) AND INTERNAL FIT OUT AT LOT 1 DP 831145, NO.140 PACIFIC DRIVE, PORT MACQUARIE

Dan Croft tabled a submission from Jennifer Reilley dated 5 February 2020.

Speakers:

Jennifer Reilley (o)

Michelle love (applicant)

CONSENSUS:

That DA2019 - 744.1 for a part change of use (pharmacy to take away food and drink premises) and internal fit out at Lot 1, DP 831145, No. 140 Pacific Drive, Port Macquarie, be determined by granting consent subject to the recommended conditions and as amended below:

Amend condition F(4) to read: 'Hours of operation of the development, including deliveries, are restricted to the following hours:

- 7am to 7pm – Seven days a week'

09 DA2019 - 796.1 BOUNDARY ADJUSTMENT INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.1 (MINIMUM SUBDIVISION LOT SIZE) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 1 DP 331765, 5071 OXLEY HIGHWAY AND LOT 1 DP 434372, 39 HENRY STREET, LONG FLAT

CONSENSUS:

That it be recommended to Council that DA 2019 - 796.1 for a boundary adjustment including clause 4.6 variation to clause 4.1 (minimum subdivision lot size) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 1 DP 331765, No 5071 Oxley Highway and Lot 1 DP 434372, No. 39 Henry Street, Long Flat, be determined by granting consent subject to the recommended conditions.

10 GENERAL BUSINESS

Nil.

The meeting closed at 3:00pm.

Item: 04
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

Name of Meeting:	
Meeting Date:	
Item Number:	
Subject:	
I, the undersigned, hereby declare the following interest:	
<input type="checkbox"/> Pecuniary: Take no part in the consideration and voting and be out of sight of the meeting.	
<input type="checkbox"/> Non-Pecuniary – Significant Interest: Take no part in the consideration and voting and be out of sight of the meeting.	
<input type="checkbox"/> Non-Pecuniary – Less than Significant Interest: May participate in consideration and voting.	
For the reason that:	
Name: Signed:	Date:
Please submit to the Governance Support Officer at the Council Meeting.	

(Refer to next page and the Code of Conduct)

Pecuniary Interest

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
 - (a) your interest, or
 - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
 - (a) Your "relative" is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (i)
 - (b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c)
 - (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

Non-Pecuniary

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
 - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
 - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
 - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
 - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
 - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
 - a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

This form must be completed using block letters or typed.

If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

By <i>[insert full name of councillor]</i>	
In the matter of <i>[insert name of environmental planning instrument]</i>	
Which is to be considered at a meeting of the <i>[insert name of meeting]</i>	
Held on <i>[insert date of meeting]</i>	
PECUNIARY INTEREST	
Address of the affected principal place of residence of the councillor or an associated person, company or body <i>(the identified land)</i>	
Relationship of identified land to councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has interest in the land.
MATTER GIVING RISE TO PECUNIARY INTEREST¹	
Nature of land that is subject to a change in zone/planning control by proposed LEP <i>(the subject land²)</i> <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Tick or cross one box]</i>	<input type="checkbox"/> Appreciable financial gain. <input type="checkbox"/> Appreciable financial loss.

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest]

Councillor's Signature: **Date:**

This form is to be retained by the council's general manager and included in full in the minutes of the meeting

Last Updated: 3 June 2019

Important Information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

¹ Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest

Item: 05**Subject: DA2019 - 137.1 ALTERATIONS AND ADDITIONS TO DWELLING AT
LOT 33 DP 18138, NO. 7 ARNCLIFFE AVENUE, PORT MACQUARIE****Report Author: Development Assessment Planner, Steven Ford**

Applicant:	Encompass Drafting
Owner:	J A & K L Looby
Estimated Cost:	\$140,000
Parcel no:	681

Alignment with Delivery Program

4.3.1 Undertake transparent and efficient development assessment in accordance with relevant legislation.

RECOMMENDATION

That DA2019 - 137.1 for alterations and additions to dwelling at Lot 33, DP 18138, No. 7 Arncliffe Avenue, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for alterations and additions at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, 2 submissions were received.

The proposal has been amended during the assessment of the application.

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact.

This report recommends that the development application be approved subject to the attached conditions.

1. BACKGROUND**Existing Sites Features and Surrounding Development**

The site has an area of 441m².

The site is zoned R1 General Residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



The existing subdivision pattern and location of existing development within the locality is shown in the following aerial photograph:



2. DESCRIPTION OF DEVELOPMENT

The proposal is for alterations and additions to an existing dwelling. The original proposal submitted included a zero lot side setback and a zero rear setback.

However, through the assessment process the development has been amended to include a side setback achieving the minimum requirements and a rear setback achieving the objectives of the Development Control Plan.

Refer to Attachment 2 at the end of this report for plans of the proposed development.

Application Chronology

- 4 March 2019 - Application lodged.
- 18 March 2019 to 1 April 2019 - Neighbour notification.
- 28 March 2019 - Additional information requested.
- 2 October 2019 - Additional information submitted including amended plans and Clause 4.6 objection submitted.
- 17 October 2019 - Further additional information requested.
- 20 December 2019 - Submission received
- 9 October 2019 - Additional information submitted including amended plans and justification.
- 15 January 2020 - Onsite meeting with Applicant and Owner
- 20 January 2020 - Amended plans and additional information submitted by Applicant.

3. STATUTORY ASSESSMENT**Section 4.15(1) Matters for Consideration**

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

- (a) **The provisions (where applicable) of:**
(i) **any Environmental Planning Instrument**

State Environmental Planning Policy No. 44 - Koala Habitat Protection

There is no Koala Plan of Management on the site. Additionally, the site is less than 1ha in area therefore no further investigations are required.

State Environmental Planning Policy No. 55 – Remediation of Land

Following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

State Environmental Planning Policy No. 62 – Sustainable Aquaculture

Given the nature of the proposed development and proposed stormwater controls, the proposal will be unlikely to have any adverse impact on existing aquaculture industries.

State Environmental Planning Policy (Coastal Management) 2018

The site is located within a coastal environment area.

In accordance with clause 7, this SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

Having regard to clauses 13 of the SEPP the proposed development is not considered likely to result in any of the following:

- a) any adverse impact on integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment;
- b) any adverse impacts coastal environmental values and natural coastal processes;
- c) any adverse impacts on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- d) any adverse impact on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- e) any adverse impact on Aboriginal cultural heritage, practices and places;
- f) any adverse impacts on the cultural and built environment heritage;
- g) any adverse impacts the use of the surf zone;
- h) any adverse impact on the visual amenity and scenic qualities of the coast, including coastal headlands;
- i) overshadowing, wind funnelling and the loss of views from public places to foreshores;
- j) any adverse impacts on existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.

The bulk, scale and size of the proposed development is compatible with the surrounding coastal and built environment. The site is predominately cleared and located within an area zoned for residential purposes.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

Port Macquarie-Hastings Local Environmental Plan 2011

The proposal is consistent with the LEP having regard to the following:

- Clause 2.2, the subject site is zoned R1 General Residential. In accordance with clause 2.3(1) and the R1 zone landuse table, the dwelling (or ancillary structure to a dwelling) is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

In accordance with Clause 2.3(2), the proposal is consistent with the zone objectives as it is a permissible landuse and consistent with the established residential locality.

- Clause 2.7, the demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying Development Codes) 2008.
- Clause 4.3, the maximum overall height of the building additions above ground level (existing) is 5.7 m, which complies with the standard height limit of 11.5 m applying to the site.
- Clause 4.4, the floor space ratio of the proposal is 0.5:1.0, which complies with the maximum 0.65:1 floor space ratio applying to the site.
- Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

(ii) Any draft instruments that apply to the site or are on exhibition:

No draft instruments apply to the site.

(iii) Any Development Control Plan in force

Port Macquarie-Hastings Development Control Plan 2013

<i>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development</i>			
	Requirements	Proposed	Complies
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> • 4.8m max. height • Single storey • 60m² max. area • 100m² for lots >900m² • 24 degree max. roof pitch • Not located in front setback 	Water tank is appropriately located. Proposed ground floor storage and laundry area is not greater than 60m ²	Yes
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> • Min. 3m front setback • An entry feature or portico • A balcony, deck, patio, pergola, terrace or verandah • A window box treatment • A bay window or similar feature • An awning or other feature over a window • A sun shading feature 	No elements within the articulation zone.	N/A
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> • Min. 6.0m classified road • Min. 4.5m local road • Min. 3.0m secondary road • Min. 2.0m Laneway 	Front building line setback is existing and remains unchanged	N/A
3.2.2.3	Garage 5.5m min. and 1m behind front façade.	No changes to off street car parking	N/A

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
	Garage door recessed behind building line or eaves/overhangs provided		
	6m max. width of garage door/s and 50% max. width of building	N/A	N/A
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Driveway crossing is existing and will remain unchanged.	Yes
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	920mm rear setback proposed. Which is considered a 76% variation. See justification below.	No* but acceptable
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> • Ground floor = min. 0.9m • First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min. • Building wall set in and out every 12m by 0.5m 	<p>The minimum side setback requirements are complied with, see justification below. The building wall is a maximum 11.2m long, satisfactorily addressing the objective of this development provision.</p> <p>The eastern side setback for the additions are acceptable as no adverse overshadowing impacts will result to the eastern neighbouring properties.</p>	Yes
3.2.2.6	35m ² min. private open space area including a useable 4x4m min. area, which has 5% max. grade	The dwelling contains 35m ² open space in one area including a useable 4m x 4m space.	Yes
3.2.2.7	Front fences: <ul style="list-style-type: none"> • If solid 1.2m max height and front setback 1.0m with landscaping • 3x3m min. splay for corner sites • Fences >1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings • 0.9x0.9m splays adjoining driveway entrances 	No fences proposed as part of this application.	N/A
3.2.2.8	Front fences and walls to have complimentary materials to context No chain wire, solid timber,	N/A	

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
	masonry or solid steel front fences		
3.2.2.10	Privacy: <ul style="list-style-type: none"> Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m 	The development will not compromise privacy to directly adjoining properties due to a combination of lack of windows overlooking both side and rear boundaries, having high sill windows that face side boundaries, limiting living areas that face adjoining living areas and open space.	Yes

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	No concealment or entrapment areas proposed. Adequate casual surveillance available.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Cut and fill <1.0m change 1m outside the perimeter of the external building walls	Yes
2.3.3.2	1m max. height retaining walls along road frontage	None proposed	N/A
	Any retaining wall >1.0 in height to be certified by structure engineer	No retaining wall likely >1m	N/A
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	No retaining wall front fence combination proposed.	N/A

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
2.3.3.8	Removal of hollow bearing trees	No native trees proposed to be removed.	N/A
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	2x trees proposed to be removed from pool area, these are considered non-compliant for the existing pool barrier and are required to be removed.	N/A
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not permitted from arterial or distributor roads	No new access proposed to arterial or distribution road.	N/A
	Driveway crossing/s minimal in number and width including maximising street parking	Existing driveway	N/A
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line)	No change to existing	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Single dwelling only with 1 domestic driveway. No specific landscaping requirements recommended.	N/A
2.5.3.14	Sealed driveway surfaces unless justified	Existing sealed driveway.	Yes
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	No changes to existing driveway.	N/A
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Single dwelling only with 1 domestic driveway.	Yes

The proposal seeks to vary Development Provision relating to 3.2.2.4 - 4m minimum rear setback. Variation subject to site analysis and provision of private open space

The relevant objectives are:

- To allow adequate natural light and ventilation between dwellings/buildings and to private open space areas.
- To provide useable yard areas and open space.

Having regard for the development provisions and relevant objectives, the variation is considered acceptable for the following reasons:

- Council may consider varying rear setback requirements where it is demonstrated that the private open space could achieve better solar access between the building and the side setback.
- The existing private open space, including both rear verandah and pool area, maintains solar access.
- The proposed rear setback is 900mm, which encroaches the standard rear setback provision for a 4.65m length (30%) of the rear boundary.
- A 4m setback for the western side setback for the equivalent length of the rear boundary has been provided to achieve solar access, natural ventilation and separation.
- The proposed rear setback variation does not adversely overshadow neighbouring primary living areas and private open space.
- The proposed additions, at a height of 5.7m, are well under the zone's maximum building height standard of 11.5m.
- There are no windows proposed overlooking the rear boundary, which could result in adverse privacy impacts to the northern neighbouring property.

Based on the above assessment, the variation proposed to the provisions of the DCP are considered acceptable and the relevant objectives have been satisfied. Cumulatively, the variations do not amount to an adverse impact or a significance that would justify refusal of the application.

(iia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No planning agreement has been offered or entered into relating to the site.

iv) Any matters prescribed by the Regulations

Demolition of buildings AS 2601 - Clause 92

Demolition of the existing sections of building on the site is capable of compliance with this Australian Standard and is recommended to be conditioned.

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, social and economic impacts in the locality:

Context and Setting

The proposal will be unlikely to have any adverse impacts to existing adjoining properties or the public domain.

The proposal is considered to be compatible with other residential development in the locality and adequately addresses planning controls for the area.

The proposal does not have a significant adverse impact on existing view sharing.

The proposal does not have significant adverse lighting impacts.

There are no significant adverse privacy impacts.

There is no adverse overshadowing impacts. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.

Access, Traffic and Transport

The proposal will be unlikely to have any adverse impacts in terms access, transport and traffic. The existing road network will satisfactorily cater for any increase in traffic generation as a result of the development.

Water Supply Connection

Service available – details required with S.68 application.

Sewer Connection

Service available – details required with S.68 application.

Stormwater

Service available – details required with S.68 application.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

This site does not contain or adjoin any known heritage item or site of significance.

Other land resources

The site is within an established urban context and will not sterilise any significant mineral or agricultural resource.

Water cycle

The proposed development will be unlikely to have any adverse impacts on water resources and the water cycle.

Soils

The proposed development will be unlikely to have any adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to a standard condition requiring erosion and sediment controls to be in place prior to and during construction.

Air and microclimate

The construction and/or operations of the proposed development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution. Standard precautionary site management condition recommended.

Flora and fauna

Construction of the proposed development will not require any removal/clearing of any native vegetation and therefore does not trigger the biodiversity offsets scheme. Part 7 of the Biodiversity Conservation Act 2016 is considered to be satisfied.

Waste

Satisfactory arrangements are in place for proposed storage and collection of waste and recyclables. No adverse impacts anticipated. Standard precautionary site management condition recommended.

Energy

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of BASIX.

Noise and vibration

No adverse impacts anticipated. Condition recommended to restrict construction to standard construction hours.

Bushfire

The site is not identified as being bushfire prone.

Safety, security and crime prevention

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area.

Social impacts in the locality

Given the nature of the proposed development and its' location the proposal is unlikely to result in any adverse social impacts.

Economic impact in the locality

No adverse impacts. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area.

Site design and internal design

The proposed development design satisfactorily responds to the site attributes and will fit into the locality. No adverse impacts likely.

Construction

No potential adverse impacts identified to neighbouring properties with the construction of the proposal.

Cumulative Impacts

The proposed development is not expected to have any adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

(c) The suitability of the site for the development

The proposal will fit into the locality and the site attributes are conducive to the proposed development.

Site constraints of have been adequately addressed and appropriate conditions of consent recommended.

(d) Any submissions made in accordance with this Act or the Regulations

Two (2) written submissions were received following public exhibition of the application. Copies of the written submissions have been provided separately to members of the DAP.

Key issues raised in the submissions received and comments are provided as follows:

Submission Issue/Summary	Planning Comment/Response
Noise from Pool area and Deck	The development is a single family home. The areas identified are existing. The Deck and Pool area comply with the development provisions of the Development Control Plan 2013. There are no identifiable adverse impacts.
The extension to the building is bringing living areas directly to the boundary of the fence and living noise will impact adjoining neighbours.	During the assessment, the proposed plans have been amended to provide minimum side and rear setbacks. Shadow diagrams have also been provided indicating no adverse solar impacts to adjoining primary living areas. This has been addressed earlier in this report.
The houses build along Arncliffe Avenue overshadow the houses in Hill Street.	Shade diagrams have demonstrated that no adjoining Hill Street neighbours will be overshadowed by this development.
Noise insulation should be mandatory	All ancillary structures are appropriately located. Building Code of Australia will be applied at Construction Certificate stage.
Object to a building being constructed as part of a fence line, as it would have great reservations about the said building impinging on the 4m rear setback requirements of the Development Control Plan 2013 and additionally from the point of view of access for repairs, maintenance, fire safety and privacy	The objectives and development provisions of section 3.2.2.5 of the DCP 2013 have been adequately addressed earlier in this report.

(e) The Public Interest

The proposed development satisfies relevant planning controls and will not adversely impact on the wider public interest.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions will not be required under S64/S7.11 for the following reasons:

5. CONCLUSION AND STATEMENT OF REASON

The application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

Attachments

- 1 [↓](#). DA2019 - 137.1 Recommended Conditions
- 2 [↓](#). DA2019 - 137.1 Plans

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2019/137****DATE: 17/02/2020****PRESCRIBED CONDITIONS**

The development is to be undertaken in accordance with the prescribed conditions of Part 6 - Division 8A of the *Environmental Planning & Assessment Regulations* 2000.

A – GENERAL MATTERS

- (1) (A001) The development is to be carried out in accordance with the plans and supporting documents set out in the following table, as stamped and returned with this consent, except where modified by any conditions of this consent.

Plan / Supporting Document	Reference	Prepared by	Date
Architectural Plans	Project No: 2010	Encompass Drafting and Design	20/01/2020
BASIX Certificate	A341147_02	Damian Keep	19/02/2019

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

- (1) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:

- a) the appointment of a Principal Certifying Authority and
- b) the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

- (2) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 2. Appropriate dust control measures;
 3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
 4. Building waste is to be managed via an appropriate receptacle;
 5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

6. Building work being limited to the following hours, unless otherwise permitted by Council;

- Monday to Saturday from 7.00am to 6.00pm
- No work to be carried out on Sunday or public holidays

The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
 - Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
 1. Stormwater systems.
- (3) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.

C – PRIOR TO ANY WORK COMMENCING ON SITE

nil

D – DURING WORK

- (1) (D003) The Port Macquarie-Hastings area is known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.
- (2) (D029) The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601-1991: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

Should asbestos be present, its removal shall be carried out in accordance with the National OH&S Committee – *Code of Practice for Safe Removal of Asbestos* and *Code of Practice for the Management and Control of Asbestos in Workplaces*.

For further information on asbestos handling and safe removal practices refer to the following links:

[Safely disposing of asbestos waste from your home](#)

[Fibro & Asbestos - A Renovator and Homeowner's Guide](#)

[Asbestos Awareness](#)

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (eg the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (3) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.

F – OCCUPATION OF THE SITE

- (1) (F035) The consent only permits the use of the building as a single dwelling and does not permit the adaption or use of the building so as to create a second occupancy or short-term accommodation.

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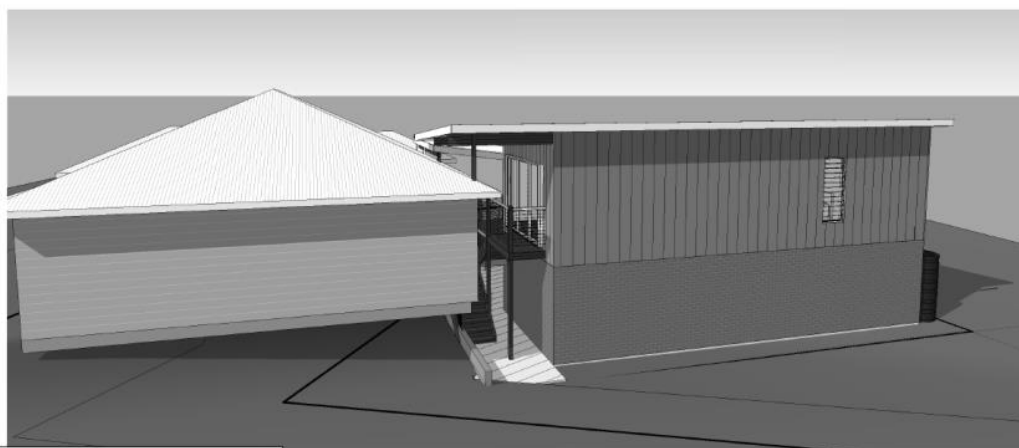
SHEET LIST

COVER	A001
GROUND FLOOR	A002
UPPER FLOOR LEVEL	A002A
ELEVATIONS	A003
ELEVATIONS	A004
SECTIONS	A005
SITE	A006
SHADOWS 9AM	A006A
SHADOWS 12PM	A006B
SHADOWS 3PM	A006C
DETAILS & NOTES	A007
DETAILS & NOTES	A007A

3 3D View 2



2 3D View 1



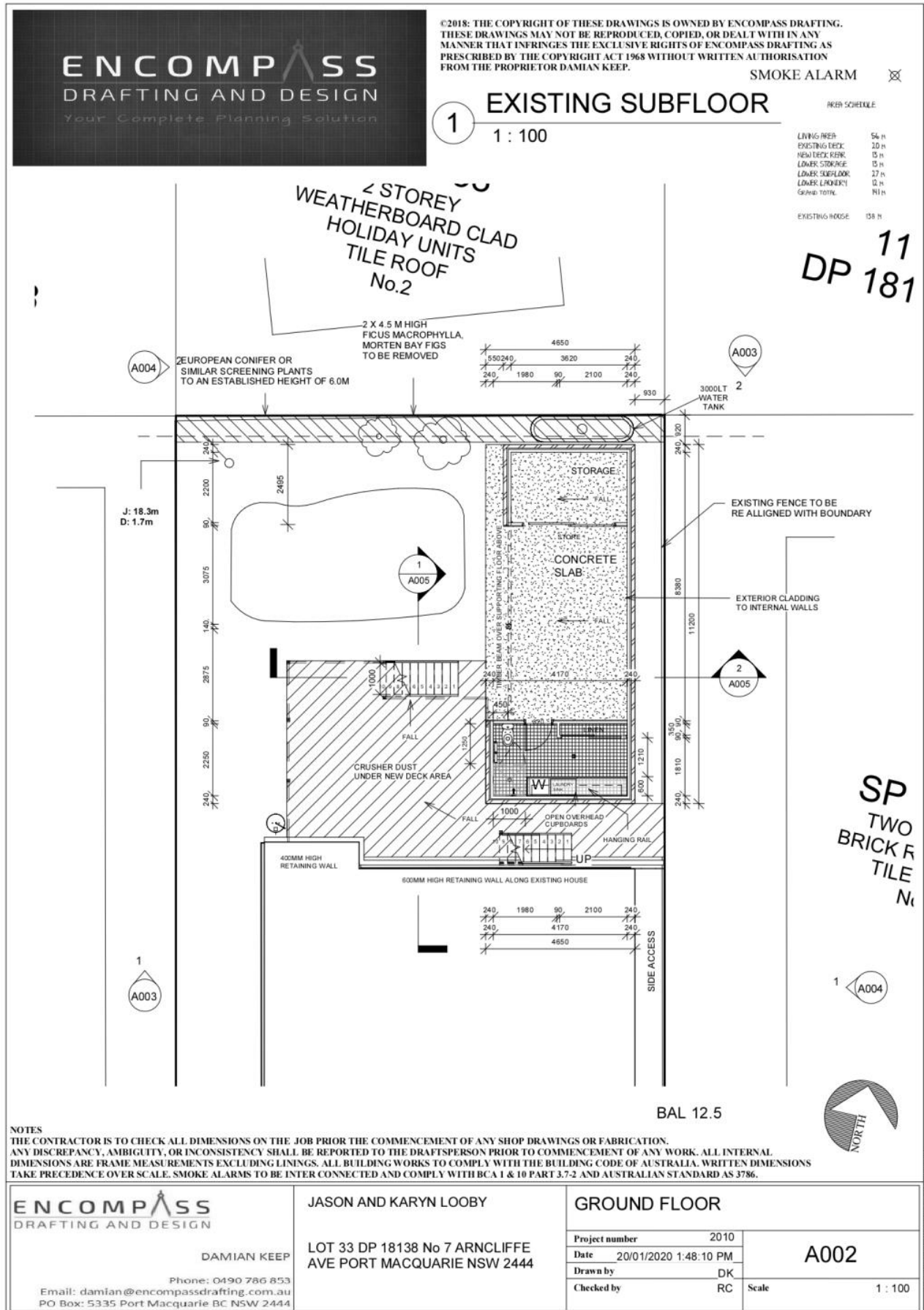
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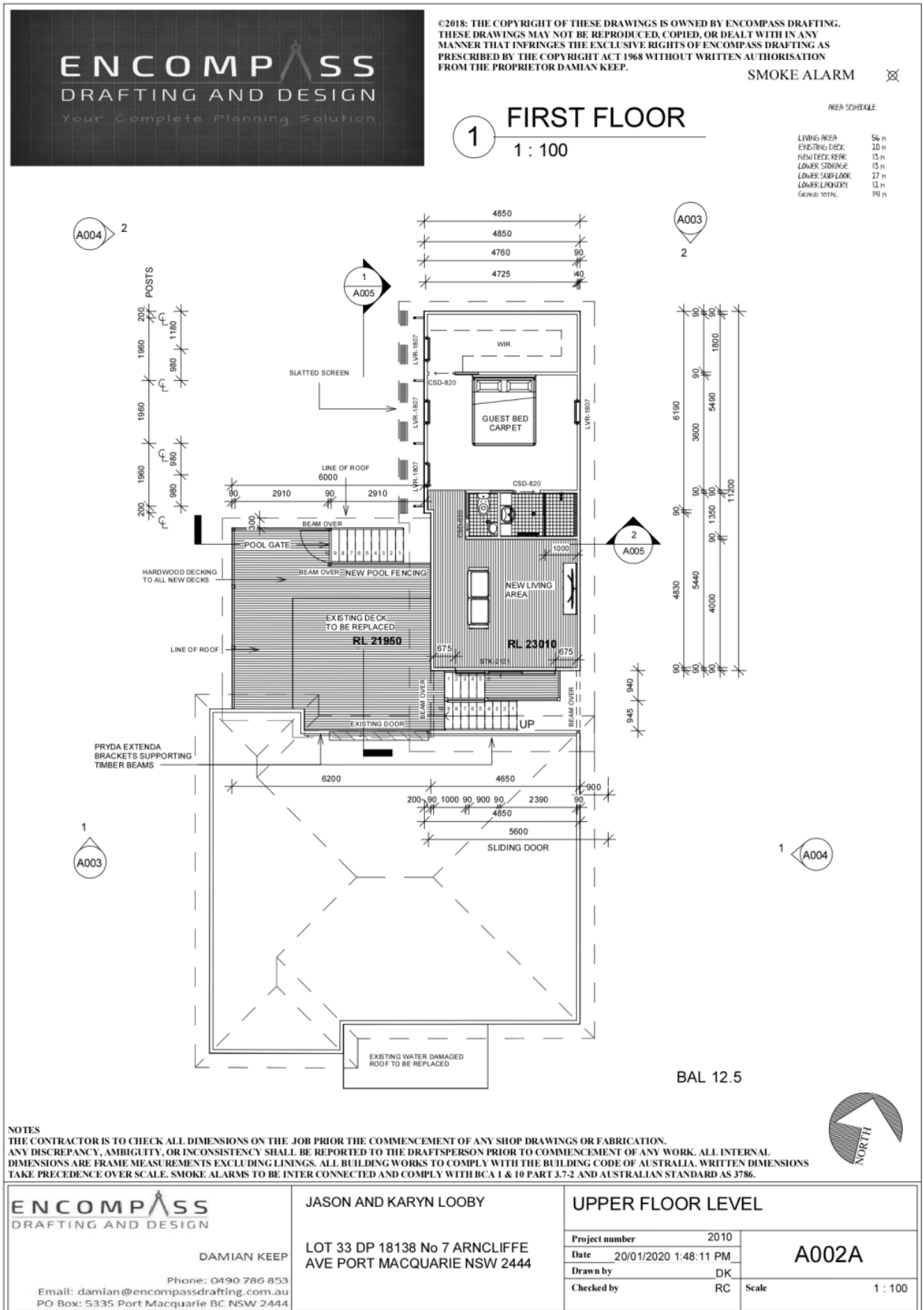
DAMIAN KEEP

Phone: 0490 786 853
Email: damian@encompassdrafting.com.au
PO Box: 5335 Port Macquarie BC NSW 2444

1 COVER SHEET

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NOTES

THE CONTRACTOR IS TO CHECK ALL DIMENSIONS ON THE JOB PRIOR TO THE COMMENCEMENT OF ANY SHOP DRAWINGS OR FABRICATION. ANY DISCREPANCY, AMBIGUITY, OR INCONSISTENCY SHALL BE REPORTED TO THE DRAFTSPERSON PRIOR TO COMMENCEMENT OF ANY WORK. ALL INTERNAL DIMENSIONS ARE FRAME MEASUREMENTS EXCLUDING LININGS. ALL BUILDING WORKS TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALE. SMOKE ALARMS TO BE INTER CONNECTED AND COMPLY WITH BCA 1 & 10 PART 3.7-2 AND AUSTRALIAN STANDARD AS 3786.

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JASON AND KARYN LOOBY

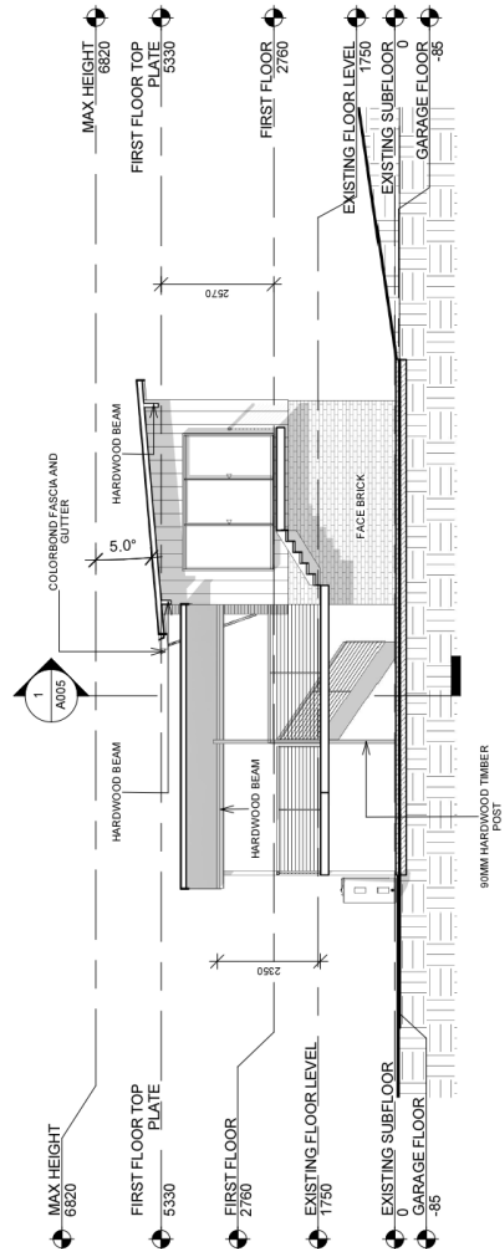
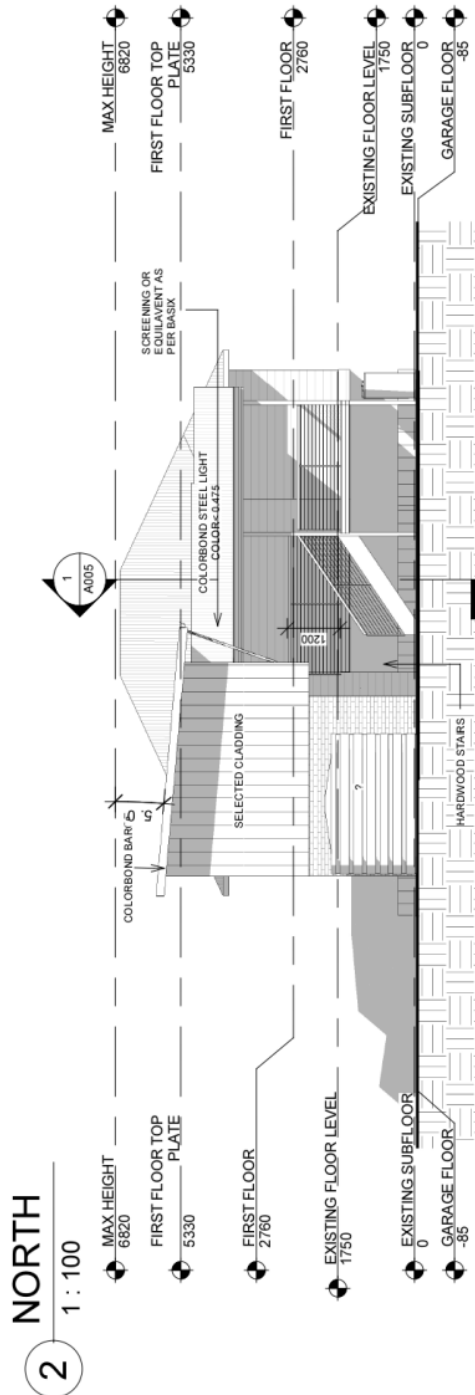
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AVE PORT MACQUARIE NSW 2444

UPPER FLOOR LEVEL

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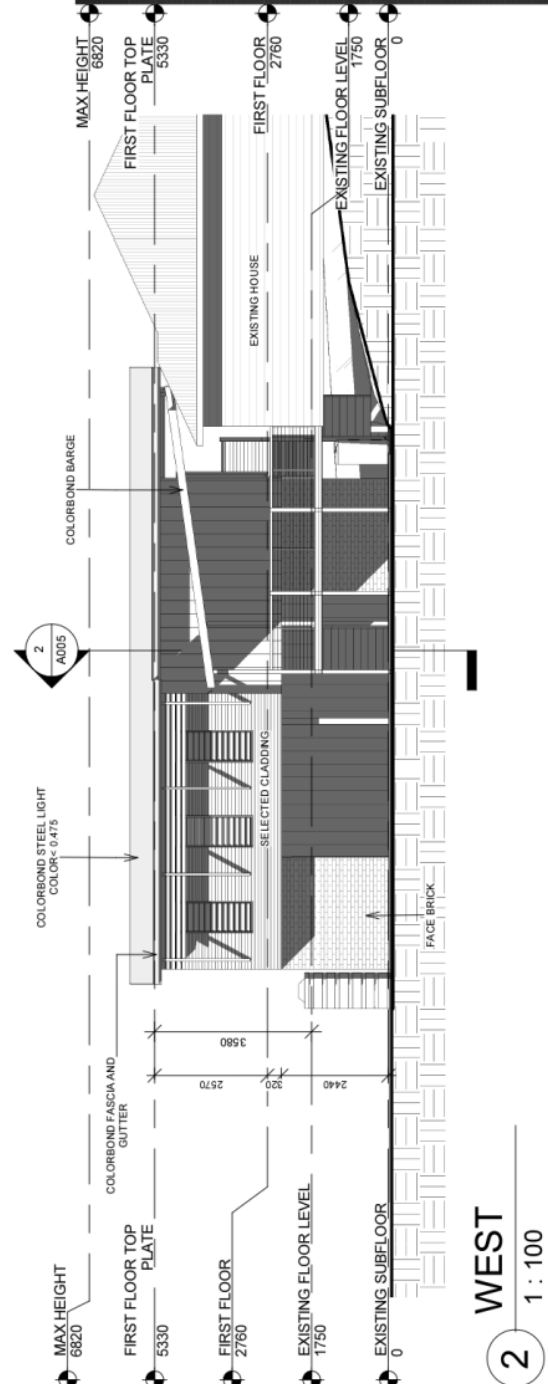
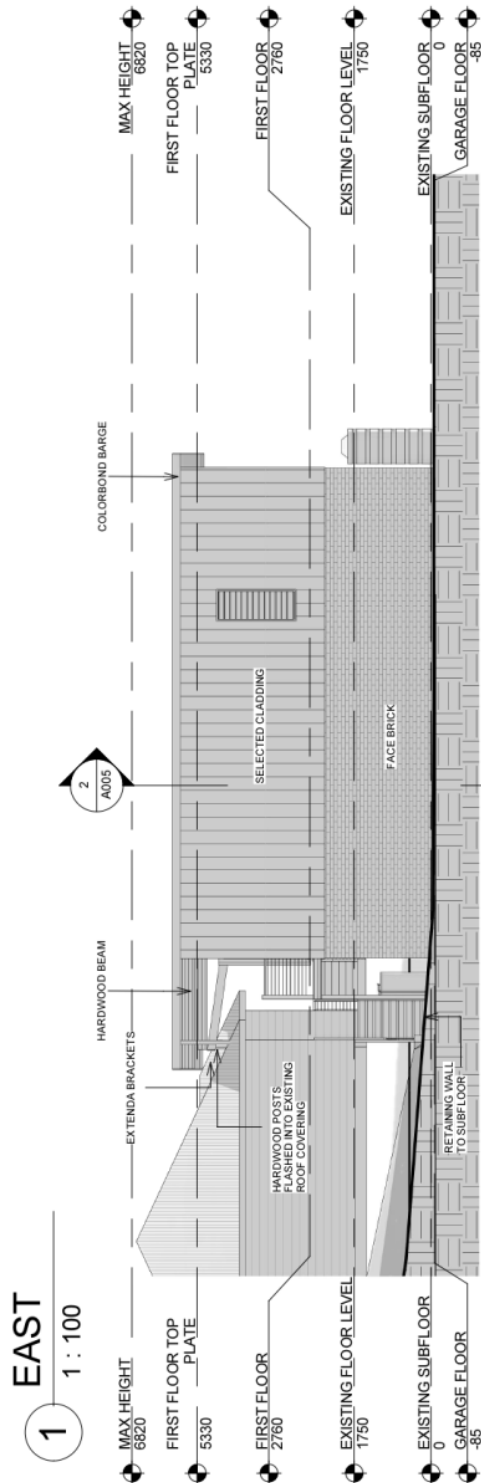
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ELEVATIONS

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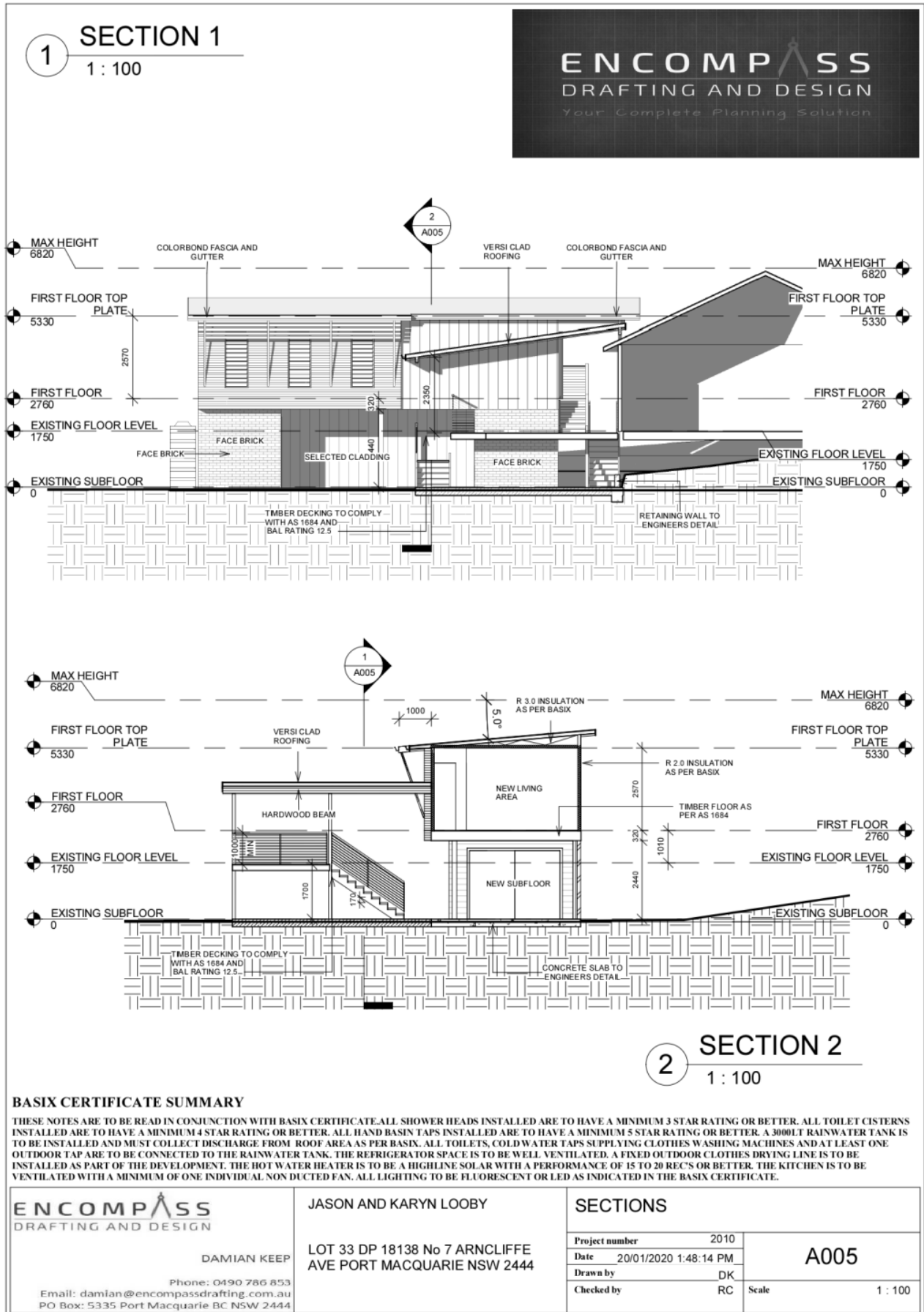
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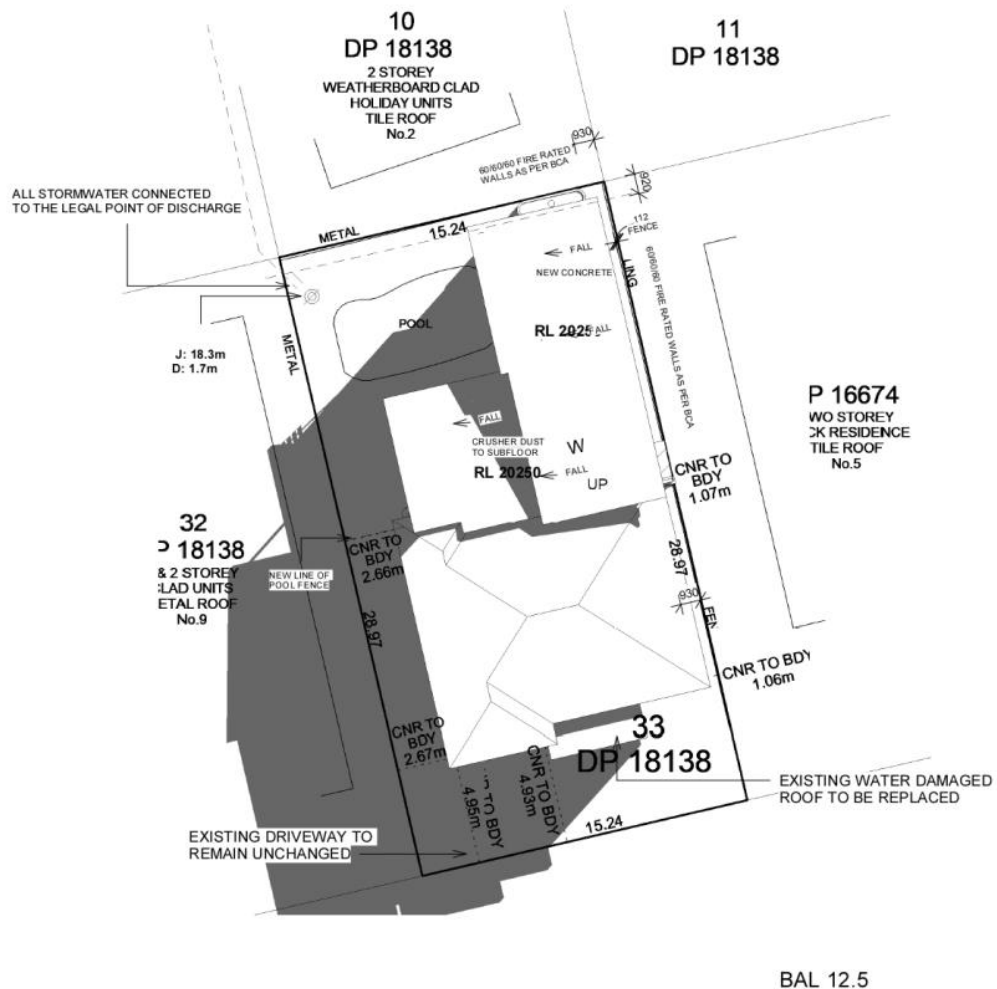
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ELEVATIONS

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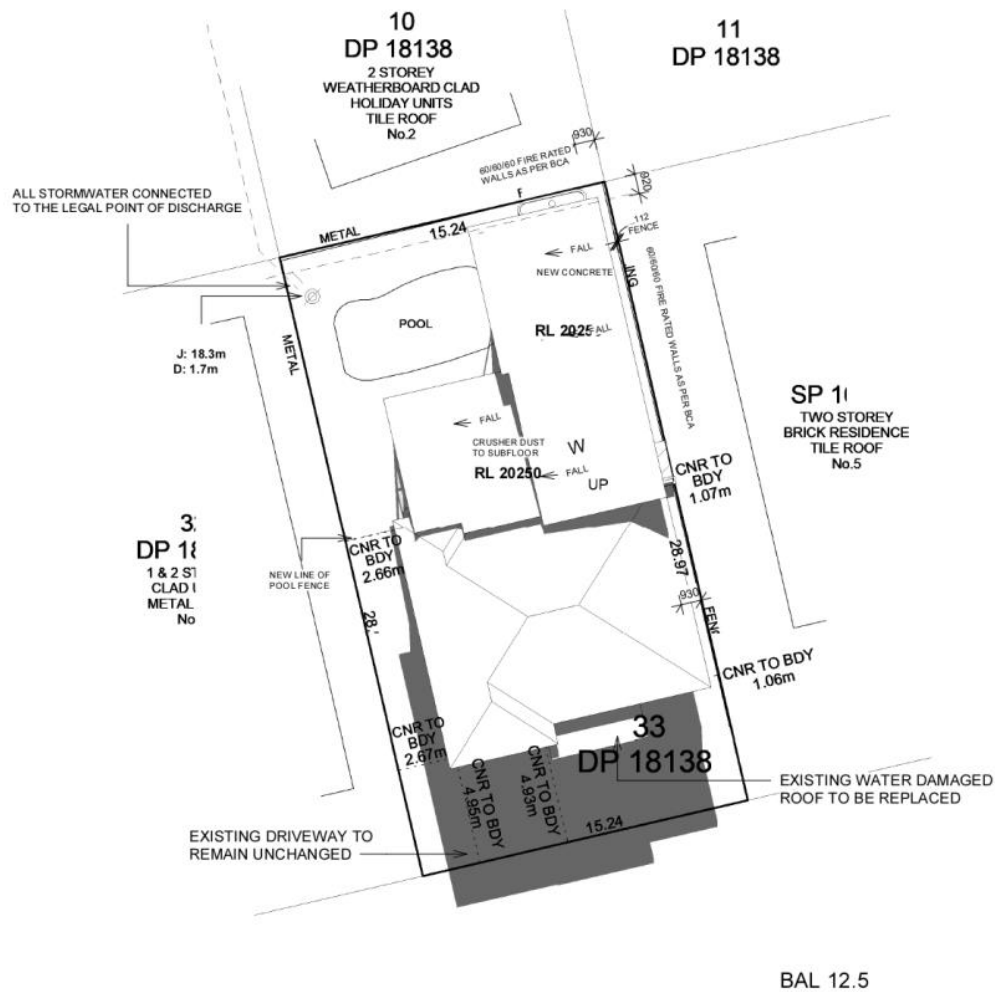
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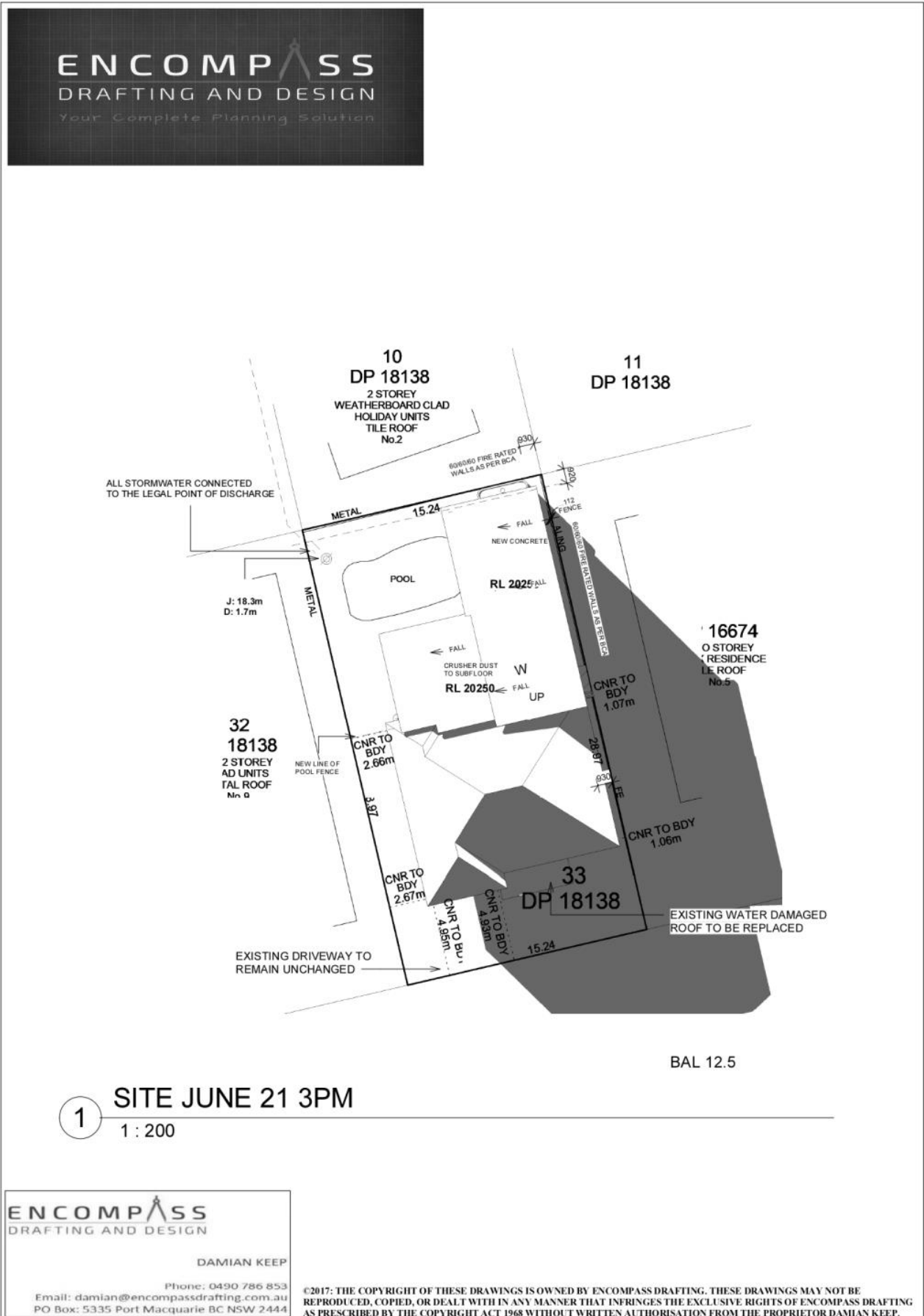
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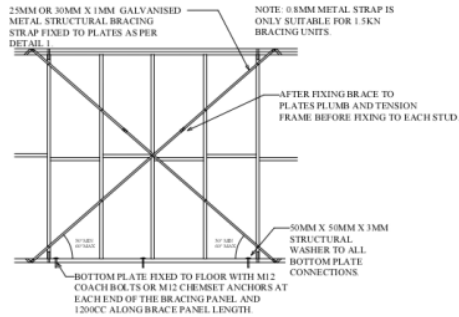


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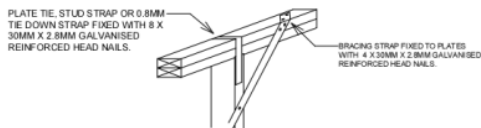
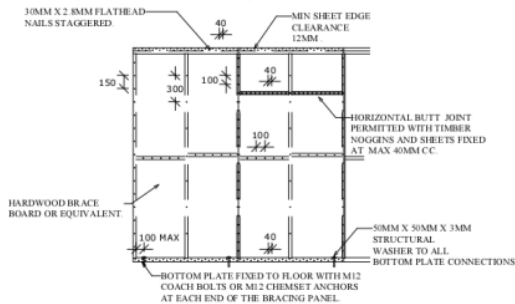
DRAFTING AND DESIGN

Your Complete Planning Solution

CROSS BRACING DETAIL 1.5 KN OR 3KN WITH TIES & ANCHORS.



SHEET BRACING DETAIL HARDWOOD BRACEBOARD 3.4KN OR 6KN WITH ANCHORS.



STUD STRAP FIXING DETAILS

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NOTES

THE CONTRACTOR IS TO CHECK ALL DIMENSIONS ON THE JOB PRIOR TO THE COMMENCEMENT OF ANY SHOP DRAWINGS OR FABRICATION. ANY DISCREPANCY, AMBIGUITY, OR INCONSISTENCY SHALL BE REPORTED TO THE DRAFTSPERSON PRIOR TO COMMENCEMENT OF ANY WORK. ALL INTERNAL DIMENSIONS ARE FRAME MEASUREMENTS EXCLUDING LININGS. ALL BUILDING WORKS TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALE. SMOKE ALARM TO COMPLY WITH BCA 1 & 10 PART 3.7-2 AND AUSTRALIAN STANDARD AS 3786.

SPECIFICATIONS & GENERAL NOTES

THESE ARCHITECTURAL DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE STRUCTURAL ENGINEER'S DRAWINGS AND ALL OTHER RELEVANT CONSULTANT DRAWINGS.

ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE RELEVANT AND CURRENT AUSTRALIAN STANDARDS AND THE BUILDING CODE OF AUSTRALIA UNLESS OTHERWISE SPECIFIED.

TIMBER FRAMING TO BE IN ACCORDANCE WITH AS 1684 PARTS 1, 2, 3 AND 4.

SARKING MATERIAL USED MUST COMPLY WITH AS/NZ 4290 PARTS 1 AND 2 AND HAVE A FLAMMABILITY INDEX OF NO GREATER THAN 5.

WHERE PRE FABRICATED WALL FRAMES AND ROOF TRUSSES ARE NOMINATED THE DESIGN AND SPECIFICATION (INCLUDING SPECIFIC HOLD DOWN REQUIREMENTS) ARE TO BE SPECIFIED BY THE FRAME AND TRUSS MANUFACTURER.

BALUSTRADING AND HANDRAILS (WHERE APPLICABLE) ARE TO COMPLY WITH B.C.A. CLAUSE 3.9.2 AND AS 1170.

STAIRS (WHERE APPLICABLE) ARE TO COMPLY WITH BCA CLAUSE 3.9.1 AND 3.9.1.4. WITH NON SLIP TREADS AND HANDRAIL AS PER AS 4586

VAPOR BARRIER TO BE INSTALLED IN ACCORDANCE WITH B.C.A CLAUSE 3.2.2.6 AND TO BE 0.2 FORTECON OR EQUIVALENT AND MUST BE MEDIUM IMPACT RESISTANT ON A MINIMUM 50MM BED OF SAND FILL.

WHERE W.C. OR ENSUITE DOORS DO NOT OPEN OUTWARD THEY SHALL BE INSTALLED WITH LIFT OFF HINGES.

PLUMBING AND DRAINAGE SYSTEMS ARE TO COMPLY WITH AS3500 WITH TEMPORARY DOWN PIPES TO BE USED TO DISPERSE WATER DURING CONSTRUCTION.

STORM WATER FROM THE ROOF TO BE DISCHARGED TO WATER TANKS, THE STREET KERB OR ONTO OWN PROPERTY WITHOUT NUISANCE TO NEIGHBOURS.

TERMITE MANAGEMENT SYSTEMS ARE TO COMPLY WITH AS 3660 WITH THE PROPERTY OWNERS NOTIFIED AS TO ANY ON GOING MAINTENANCE REQUIREMENTS / OBLIGATIONS.

BATH, WC AND LAUNDRY ARE TO BE NATURALLY VENTILATED OR HAVE EXHAUST FANS DUCTED DIRECTLY OUTSIDE OR TO ROOF SPACE AS PER BCA 3.8.7

INSTALLATION OF SMOKE DETECTORS TO COMPLY WITH AS 3786. AND BCA PART 3.7.5

CONCRETE CONSTRUCTION TO BE IN ACCORDANCE WITH AS 3600 AND AS 2870.

MASONRY CONSTRUCTION TO BE IN ACCORDANCE WITH AS 3700.

DAMP PROOF COURSES AND FLASHINGS TO BE IN ACCORDANCE WITH AS/NZ 2094.

THERMAL INSULATION OF DWELLINGS TO COMPLY WITH AS4859 AND ANY SPECIFIC BASIX REQUIREMENTS.

UN-PLASTICISED PVC (UPVC) DOWN PIPE AND FITTINGS FOR ANY RAINWATER TO COMPLY WITH AS 1273.

INSTALLATION OF SHEET ROOF AND WALL CLADDING TO COMPLY WITH AS 1562.1.

ALL PEDESTRIAN SURFACES TO COMPLY WITH AS /NZ 3661 SLIP RESISTANCE.

GLAZING, SHOWER SCREENS, BATH ENCLOSURES AND ROBE DOORS ARE TO BE SELECTED AND INSTALLED IN ACCORDANCE WITH AS 1288 & AS 2047 WINDOW RESTRICTORS OR SCREENS TO BE FITTED AS PER THE BCA PART 3.6

WATERPROOFING OF WET AREAS TO COMPLY WITH AS 3740 AND B.C.A. TABLE 3.8.1.1

ELECTRICAL INSTALLATIONS TO COMPLY WITH AS/NZ 3018.

SMOKE ALARMS TO BE INTER CONNECTED AND COMPLY WITH BCA 1 & 10 PART 3.7-5 AND AUSTRALIAN STANDARD AS 3786.

POOL SAFETY FENCES (WHERE APPLICABLE) ARE TO BE INSTALLED TO COMPLY WITH AS 1926. AND THE SWIMMING POOLS ACT 1992 WITH ACCESS AND FITTING.

IF ANY DISCREPANCY, AMBIGUITY, ERROR OR INCONSISTENCY IS FOUND IN THIS SET OF DRAWINGS, REPORT SUCH TO J & E MILLERS DRAFTING DEPT BEFORE PROCEEDING.

SILT FENCES ARE TO BE 600MM HIGH AND ARE TO COMPLY WITH COUNCIL POLICY

ALL DIMENSIONS ARE TO BE VERIFIED BY THE BEFORE WORK OR FABRICATION COMMENCES.

WINDOW SCHEDULE

Type Mark	Level	Head Height	Height	Width	Comments
LVR-1807	FIRST FLOOR	2140	1800	725	ALUMINIUM LOUVRE
LVR-1807	FIRST FLOOR	2140	1800	725	ALUMINIUM LOUVRE
LVR-1807	FIRST FLOOR	2140	1800	725	ALUMINIUM LOUVRE
LVR-1807	FIRST FLOOR	2140	1800	725	ALUMINIUM LOUVRE

DOOR SCHEDULE

Type Mark	Level	Height	Width	Comments
CSD-620	FIRST FLOOR	2160	620	READY COAT INTERNAL
CSD-820	FIRST FLOOR	2160	820	READY COAT INTERNAL
CSD-820	FIRST FLOOR	2160	820	READY COAT INTERNAL
STK-2131	FIRST FLOOR	2095	3120	ALUMINIUM STACKER

SPECIFIC NOTES

BUSHFIRE ATTACK LEVEL 12.5

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JASON AND KARYN LOOBY

LOT 33 DP 18138 No 7 ARNCLIFFE
AVE PORT MACQUARIE NSW 2444

DETAILS & NOTES

Project number	2010
Date	20/01/2020 1:48:16 PM
Drawn by	DK
Checked by	RC

A007

Scale

Item: 06**Subject: DA2019 - 215.1 - RESIDENTIAL FLAT BUILDING INCLUDING
CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS)
UNDER THE PORT MACQUARIE HASTINGS LOCAL
ENVIRONMENTAL PLAN 2011 AT LOT 22 DP38266, NO. 5 GRAY
STREET****Report Author: Development Assessment Planner, Beau Spry**

Applicant:	D & R Enterprises Pty Ltd T/A EF Building Solutions
Owner:	Phil Rose
Estimated Cost:	\$830,000
Parcel no:	7936

Alignment with Delivery Program

4.3.1 Undertake transparent and efficient development assessment in accordance with relevant legislation.

RECOMMENDATION

That it be recommended to Council that DA2019-215.1 for a Residential Flat Building Including Clause 4.6 Objection to Clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environment Plan 2011 at Lot 22, DP 38266, No. 5 Gray Street Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a Development Application for residential flat building, including a clause 4.6 objection to clause 4.3 (height of buildings) at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, no submissions have been received.

The application includes a variation to the maximum height of building development standard in the Port Macquarie-Hastings Local Environmental Plan 2011 by more than 10% and the application is required to be determined by Council following consideration by the Development Assessment Panel.

The proposal has been amended during the assessment of the application including changes primarily to:

- driveways,
- building height,
- introduction of a habitable level above garages.

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls as justified. The development is not

considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact.

This report recommends that the development application be approved subject to the attached conditions.

1. BACKGROUND

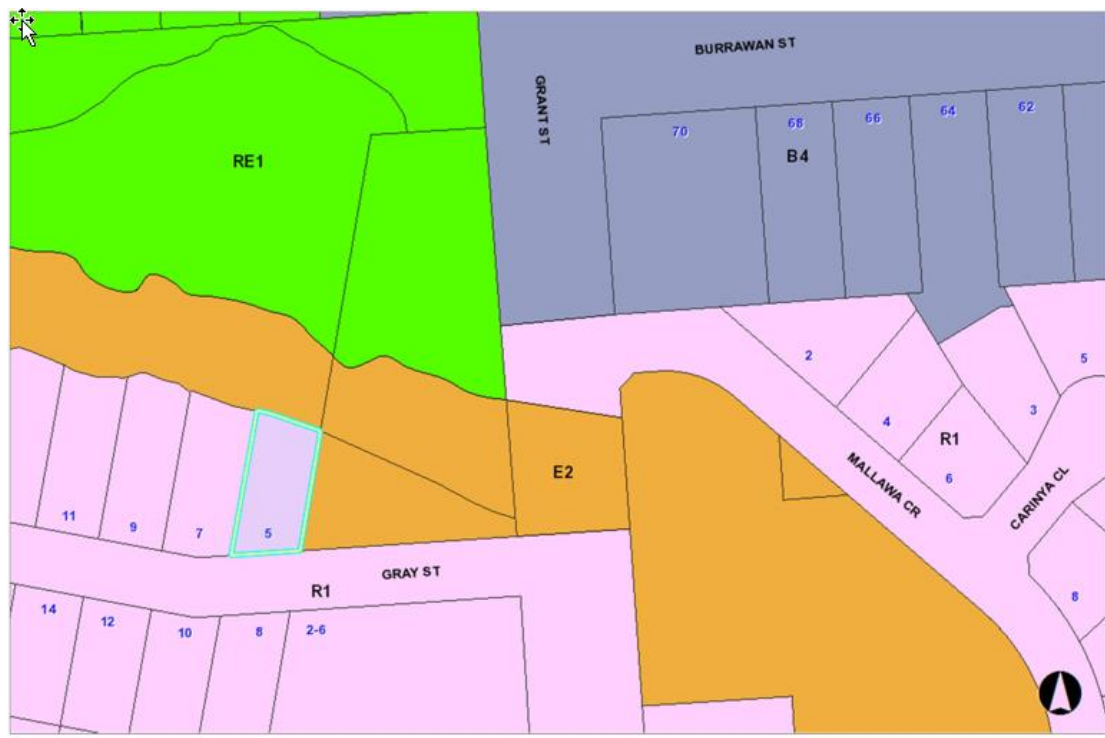
Existing Sites Features and Surrounding Development

The site has an area of 598.91m²

The site is located in an established R1 zone with access to Gray Street and a standard height limit of 8.5m. The locality is characterised by irregular topography. The site has a steep gradient declining from the street frontage south at Gray Street down to the northern boundary towards Wrights Creek.

There are existing general residential dwellings of a mix of scale and densities to the south, west and east. To the north-east beyond Wrights Creek are areas of B4 mixed use with height limits of 11.5m. Adjoining the site to the north is Wrights Creek and open public reserve.

The site is zoned R1 General Residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



The area surrounding the site comprises a mix of general residential, environmental conservation and mixed use.

The existing subdivision pattern and location of existing development within the locality is shown in the following aerial photograph:



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Multi dwelling housing comprising 3x 2bedroom units;
- Clause 4.6 objection to clause 4.3 height of building;

Refer to Attachment 2 at the end of this report for plans of the proposed development.

Application Chronology

- 28/03/2019 - Application lodged with Council
- 15/5/2019 - Site inspection
- 16/05/2019 - Further information requested
- 31/05/2019 - Revised plans submitted
- 1/06/2019 - Application under internal referral
- 16/09/2019 - Site meeting with proponents and various Council staff
- 15/11/2019 - Revised plans submitted
- 7/1/2020 - Revised plans submitted
- 9/1/2020 - Application notified
- 7/2/2020 - Updated plans submitted

3. STATUTORY ASSESSMENT

Section 4.15(1) Matters for Consideration

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

- (a) **The provisions (where applicable) of:**
(i) **Any Environmental Planning Instrument**

State Environmental Planning Policy No. 44 - Koala Habitat Protection

There is no Koala Plan of Management on the site. Additionally, the site is less than 1ha in area therefore no further investigations are required.

State Environmental Planning Policy No. 55 – Remediation of Land

Following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

State Environmental Planning Policy No. 62 – Sustainable Aquaculture

Given the nature of the proposed development and proposed stormwater controls required for the proposal, the proposal will be unlikely to have any adverse impact on existing aquaculture industries.

State Environmental Planning Policy (Coastal Management) 2018

The site is located within a coastal environment area and proximity area for coastal wetlands.

In accordance with clause 7, this SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

Having regard to clauses 11 and 13 of the SEPP the proposed development is not considered likely to result in any of the following:

- a) any adverse impact on integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment;
- b) any adverse impacts coastal environmental values and natural coastal processes;
- c) any adverse impacts on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- d) any adverse impact on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- e) any adverse impact on Aboriginal cultural heritage, practices and places;
- f) any adverse impacts on the cultural and built environment heritage;
- g) any adverse impacts the use of the surf zone;
- h) any adverse impact on the visual amenity and scenic qualities of the coast, including coastal headlands;
- i) overshadowing, wind funnelling and the loss of views from public places to foreshores;
- j) any adverse impacts on existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.

The bulk, scale and size of the proposed development is compatible with the surrounding coastal and built environment. The site is predominately cleared and located within an area zoned for residential purposes.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX certificate (981851M) has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

State Environmental Planning Policy (Infrastructure) 2007

The development does not trigger any of the traffic generating development thresholds of Clause 104. Referral to the NSW Roads and Maritime Services (RMS) is not required.

The proposed development addresses relevant clauses in the SEPP and is unlikely to create any conflict in terms of traffic or noise.

Port Macquarie-Hastings Local Environmental Plan 2011

The proposal is consistent with the LEP having regard to the following:

- Clause 2.2 - The subject site is zoned R1 General residential.
- Clause 2.3(1) and the R1 zone landuse table - The proposed development for a residential flat building is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

- *To provide for the housing needs of the community.*
 - *To provide for a variety of housing types and densities.*
 - *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- Clause 2.3(2) - The proposal is consistent with the zone objectives having regard to the following:
 - the proposal is a permissible landuse;
 - the proposal will provide for an appropriate form of medium density housing in a suitable location.
 - Clause 4.3 - The maximum overall height of the building above ground level (existing) is 9.85m, which exceeds the standard height limit of 8.5m applying to the site. A clause 4.6 variation is sought below.
 -
 - Clause 4.4 - The floor space ratio of the proposal is 0.43:1.0, which complies with the maximum 1.0:1 floor space ratio applying to the site.
 -
 - Clause 4.6 – Consent must not be granted for a proposal that contravenes a development standard unless the consent authority has considered a written request from the applicant that justifies the variation by showing that the subject standard is unreasonable and/or unnecessary and that there are sufficient environmental planning grounds to justify the contravening of the standard without compromising the public interest.

The proposal seeks to vary Development Provision relating to Clause 4.3. The maximum overall height of the building above ground level (existing) is 9.7m, which does not comply with the standard height limit of 8.5m applying to the site. The variation is 14.1%. The applicant has submitted a Clause 4.6 variation

request. The key reasons submitted by the applicant for seeking the variation are as follows:

- *The site topography is steeply sloping downhill from the road;*
- *The proposal is required to have a garage for any residential development on the block. As the garage is not allowed to be the prominent feature in the streetscape in accordance with councils DCP the proposal requires to build above the garages.*
- *Owing to significant site gradient, the proposal is unable to be designed within the required height;*
- *As the site is on the downhill side of the road, the proposed development will not greatly hinder any views.*

•
Per 4.6(3), the relevant objectives under consideration is clause 4.3 and the following points are made:

- (a) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*

Comment:

The subject site has a height limit of 8.5m. Adjoining the site to the west and south are also height limits of 8.5m. To the north and north-east beyond Wrights Creek are areas with height limits of 11.5m. Adjoining the site to the north is a creek and open public reserve. The topography of the area is heavily undulating, with the subject site having a site fall of approximately 8m from the street to the northern boundary. The majority of the proposed building is within the height limit, with part of the second-storey skillion roof being over the height limit. The height limit variation is lower to south and gradually increasing to its maximum at the north, reflecting the steep slope of the site as well as the surrounding built form and character and in part minimising the potential dominance and will not be evident from many ground-level perspectives. The proposed variation is not considered to materially reduce the compatibility of the proposed building with the surrounding building height context.

- (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*

Comment:

Immediately surrounding the building to the south and west are further R1; to the north is a creek within E2 zone and sports fields within RE1 zone. These areas have height limits of 8.5m. Approximately 55m north-east is B4 zoning with height limits of 11.5m. The area as a whole is characterised by a mix of dwelling types, densities and scales/bulks. The topography slopes heavily from high south to low north, with the properties on the southern side of Gray Street (high side) sitting significantly higher than those on the northern side. None of the properties adjoining have been identified as currently experiencing water or other significant outlook views. The variation is localised to part of the second-storey skillion roof. Given the significant slope of the area topography and the localised nature of the height variation no such views or solar access are impacted by the proposed variation.

- (c) *to minimise the adverse impact of development on heritage conservation areas and heritage items,*

Comment:

There are no heritage items or heritage conservation areas within the immediate vicinity. The proposed height variation will not be readily apparent when viewed from any heritage item. The nearest heritage item is No. 1004 St Thomas Church a building at Murray Street, which is, located 460m to the north-west.

- (d) *to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan.*

- **Comment:**

- The subject site has a height limit of 8.5m and is immediately surrounded by further 8.5m height limits and 11.5m within 85m to the north-east. Height limits generally step down from the Port Macquarie CBD located to the north, with nearby Grant Street being the closest transition to 8.5m south of the Port Macquarie CBD. Given the nearby variability in height limits as well as the significant topography variation across the locality and the minor nature of the non-compliance, the proposed height variation will not interrupt the transition in built form and land use intensity from north to south.

- In regards to 4.6(4), development consent must not be granted for development that contravenes a development standard unless the following is considered:

- (a) *the consent authority is satisfied that—*

- the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone, in which the development is proposed to be carried out,*

Comment:

Per 4.6(a)(i), the applicant has submitted a written Clause 4.6 variation request. This has been considered as part of 4.6(3) above.

Per 4.6(a)(ii), the proposed development is considered in the public interest as it is consistent with the objectives of Clause 4.3 discussed above and the objectives of the R1 General Residential zone, which are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

In this regard, the proposal is considered consistent with the zoning as it provides for the housing needs of the community; it contributes to the diversity of housing types within the general residential zone by increasing the supply of, and providing various options for, housing; the proposal will not impact on the ability of other land uses that provide facilities and services to do so.

- (b) *the concurrence of the Secretary has been obtained.*

Comment:

As per Planning Circular PS 18-003, Council has assumed concurrence for dealing with variations to height controls. Concurrence from the Department of Planning and Environment is therefore not required. The variation is technically

beyond 10% of the standard and therefore needs to be reported to a meeting of full Ordinary Council for determination.

- Based on the above, the development is consistent with the height control objectives and also the zoning objectives as discussed previously in this report. It is recommended that the Clause 4.6 variation to Clause 4.3 be supported.
- Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.3 - The site is on land partly within a mapped “flood planning area” at the rear of the site (Land subject to flood discharge of 1:100 annual recurrence interval flood event (plus the applicable climate change allowance and relevant freeboard). The application was referred to Council’s Environmental Projects Officer (Flooding) for comment and conditions have been applied to the consent. In this regard, the following comments are provided which incorporate consideration of the objectives of Clause 7.3, Council’s Flood Policy 2015, the NSW Government’s *Flood Prone Lands Policy* and the NSW Government’s *Floodplain Development Manual* (2005):
 - The proposal is compatible with the flood hazard of the land taking into account projected changes as a result of climate change;
 - The proposal will not result in a significant adverse effect on flood behaviour that would result in detrimental increases in the potential flood affectation of other development or properties;
 - The proposal incorporates measures to minimise & manage the flood risk to life and property associated with the use of land;
 - The proposal is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses;
 - The proposal is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding;
- Clause 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

(ii) Any draft instruments that apply to the site or are on exhibition:

No draft instruments apply to the site.

(iii) Any Development Control Plan in force

Port Macquarie-Hastings Development Control Plan 2013

<i>DCP 2013: Residential Flat Development, Tourist and Visitor Accommodation and Mixed Use Development</i>			
DCP Objective	Development Provisions	Proposed	Complies
3.3.2.2	Satisfactory site analysis plan submitted.	Site analysis plan provided	Yes
3.3.2.3	Statement addressing site attributes and constraints	Yes	Yes

	submitted.		
3.3.2.4	Streetscape and front setback: <ul style="list-style-type: none"> • Within 20% of the average setback of the adjoining buildings. • 3m setback to all frontages if no adjoining development. • 2m setback to secondary frontages. • Max. 9m setback for tourist development to allow for swimming pool. 	Streetscape setback is complimentary to adjoining properties and complies with the standard.	Yes
3.3.2.5	Balconies and building extrusions can encroach up to 600mm into setback.	No elements encroaching into established setback.	Yes
	Buildings generally aligned to street boundary.	Buildings aligned to street boundary.	Yes
	Primary openings aligned to street boundary or rear of site.	Primary openings, including entry portico, aligned to primary street boundary.	Yes
3.3.2.6	Side setbacks comply with Figure 3.3-1: <ul style="list-style-type: none"> • Min. Side setback 1.5m for 75% of building depth. • Windows on side walls min. 3m from side boundary. • 3m minimum where adjacent to existing strata titled building. 	The minimum side setback, located on the southern boundary is 1m, east 1.1m and west 1.3m and is unable to comply with minimum standards.	No, variation sought below.
	Side walls adjacent to existing strata-titled buildings should be articulated and modulated to respond to the existing buildings.	Not located next to existing strata buildings.	N/A
	Min. 6m rear setback (including sub basements)	The minimum rear setback is 3.8m to the Unit 2 deck and is unable to comply with the minimum standards.	No, variation sought below.
3.3.2.7	A party wall development may be required if site amalgamation is not possible and higher density development is envisaged by these controls.	No party wall proposed.	N/A
3.3.2.8	Party wall development can occur only with the agreement and consent of the adjoining property owner. Exposed party walls should be finished in a quality comparable to front facade finishes.	No party wall proposed.	N/A
3.3.2.9	Corner sites consolidated with adjacent land where possible.	Site not a corner site	N/A

	Where consolidation not possible a minimum setback of 6m should extend to secondary street (see Fig 3.3-2 and 3.3-3).	Site not a corner site	N/A
3.3.2.10	Where sites adjacent to open space are to be developed the edge of the open space should be defined with a public road and buildings address the open space.	Site does not address an open space	N/A
3.3.2.11	Deep soil zones: <ul style="list-style-type: none"> Extend the width of the site and have minimum depth of 6m. Are contiguous across sites and within sites (see Fig 3.3-4). 	Deep soil zone at rear is suitable and adjoins Wrights Creek.	Yes
3.3.2.12	Deep soil zones accommodate existing advanced trees, and allow for advanced tree planting.	Given scale of development not of size relating to multi-level building. This is considered unnecessary to comply with in relation to advanced tree plantings. There is, however, sufficient deep soil zones provision.	Yes/N/A
3.3.2.13	Deep soil zones integrated with stormwater management measures.		
3.3.2.14	Sunlight to the principal area of ground-level private open space of adjacent properties should not be reduced to less than 3 hours between 9.00am and 3.00pm on June 22. Where existing overshadowing by buildings and fences is greater than this, sunlight should not be reduced by more than 20%.	Neighbouring private open space of adjacent properties is not reduced to less than 2 hours due to this development.	Yes
	Buildings should not reduce the sunlight available to the windows of living areas that face north in existing adjacent dwellings to less than the above specification.	The proposal does not reduce the sunlight available to the windows of north facing living areas in adjoining dwellings.	Yes
3.3.2.15	Internal clothes drying space provided (not mechanical).	Sufficient internal area available for clothes drying.	Yes
	Ceiling fans provided in preference to air conditioning.	Capable of complying. BASIX addresses.	Yes
	Solar hot water systems (or equivalent technology) provided.	Capable of complying. BASIX addresses.	Yes
	Photovoltaic arrays installed where practical.	Capable of complying	Yes

3.3.2.16	Landscape plan provided including: <ul style="list-style-type: none"> • 35% soft landscaping with minimum width of 3m. • Existing vegetation and proposed treatment. • Details of hard landscaping. • Location of communal recreational facilities. • Species not to obscure doors, paths, etc. • Street trees in accordance with Council's list. 	Condition recommended to require a detailed landscape plan prior to issue of Construction Certificate.	Yes, capable.
3.3.2.17	Existing vegetation to be retained and nutrient-rich water prevented from entering native gardens.	No substantial trees presently existing on site. A large established Norfolk Island pine is located to the south-east corner of the street frontage and is not proposed to be impacted by the proposal.	Yes
3.3.2.18	Landscape plan to demonstrate how trees and vegetation contribute to energy efficiency and prevent winter shading on neighbouring properties.	Site analysis plan indicates substantial tree/vegetation to be retained including established Norfolk Island pine is located to the south-east corner of the street frontage.	Yes
3.3.2.19	Street trees in accordance with Council's list.	None proposed	N/A
3.3.2.20	All dwellings at ground floor level have minimum 35m ² of private open space, including one area 4m x 4m at maximum grade of 5% and directly accessible from living area.	Unit 1 and Unit 2 have access to >35m ² private open space. Unit 1 has access to minimum 4x4m area; Unit 2 has access to >35m ² private open space in area of approximately 3.8 width and does not comply with the minimum dimension requirements.	No, variation sought below.
	Separate private open space for any resident manager or permanent occupant of a tourist facility.	No onsite manager proposed	N/A
3.3.2.21	Dwellings not at ground level have balconies with minimum area 8m ² and minimum dimension 2m.	Unit 3 has deck area of approx. 26m ² with minimum width of 2m.	Yes
3.3.2.22	Fencing or landscaping defines public/communal and private open space.	N/A - public open space each dwelling available.	N/A
3.3.2.23	Solid fences should be: <ul style="list-style-type: none"> • Max. 1.2m high, • Setback 1m, 	No solid front fences proposed.	N/A

	<ul style="list-style-type: none"> Suitably landscaped, Provide 3m x 3m splay. 		
	<p>Where front fences higher than 1.2m:</p> <ul style="list-style-type: none"> Max. 1.8m high, Landscaped recesses for 50% of frontage, or length of fence not more than 6m or 50% of street frontage. Min. 25% transparent, 3m x 3m splay for corner sites. 900mm x 900mm splay at vehicle driveways. 	No front fences proposed	N/A
3.3.2.24	Fencing materials consistent with or complimentary to existing fencing in the street.	N/A	N/A
3.3.2.25	Fences constructed of chain wire, solid timber or masonry and solid street not permitted, even if consistent with existing fencing in the locality.	N/A	N/A
3.3.2.26	<p>Building to be designed so that:</p> <ul style="list-style-type: none"> Busy, noisy areas face the street. Quiet areas face the side or rear of the lot. Bedrooms have line of site separation of at least 3m from parking areas, streets and shared driveways. 	<p>Building has been designed so that bedrooms predominantly address the side boundaries rather than the street frontage. Where a bedroom of unit 1 does front the street, the building is generously setback from the street owing to the angle so the front boundary.</p> <p>All proposed bedrooms are separated from parking, streets and shared driveways by at least 3m and line of sight is broken by landscaping and balconies.</p>	Yes
	Openings of adjacent dwellings separated by at least 6m.	Nearest adjacent dwelling and openings situated approximately 3.4m adjacent to the west and does not comply with the minimum standards.	No, variation sought below
3.3.2.27	Building designed so noise transmission between apartments is minimised.	Bedrooms and living areas are coupled internally and balconies are coupled externally. The coupling of uses combined with dividing walls will minimise noise transmission between apartments.	Yes
	Uses are to be coupled internally and between apartments i.e. noisy internal	See comment above	Yes

	and noisy external spaces should be placed together. (See Figure 3.3-6).		
3.3.2.28	Development complies with AS/NZS2107:2000 <i>Acoustic – Recommended design sound levels and reverberation times for building interiors for residential development.</i>	The proposal is capable of complying and details to be provided at Construction Certificate stage.	Yes
3.3.2.29	Impact of noise from key public places to be considered.	Proposal is located over 40m from sports fields located to north and bisected by the heavily vegetated Wrights Creek.	Yes
3.3.2.30	Direct views between living room windows to be screened where: <ul style="list-style-type: none"> Ground floor windows are within 9m of windows in an adjoining dwelling. Other floors are within a 12m radius. Living room windows are within 12m radius of the principal area of private open space of other dwellings. 	No direct views between main living rooms or within main living rooms and private open space within 12m radius.	No, variation sought below.
	Direct views may be screened with either a 1.8m high fence or wall, or screening that has maximum 25% openings.		
	Windows in habitable rooms screened if >1m above ground level and wall set back <3m.	Capable of complying. Condition recommended.	Yes
	Balconies, decks, etc screened if <3m from boundary and floor area >3m ² and floor level >1m above ground level.	Capable of complying. Condition recommended for Unit 1 west elevation of deck to be screened.	Yes
3.3.2.31	Developments to be designed in accordance with AS 1428.	Provision intended for larger residential flat buildings subject to SEPP 65.	Yes
3.3.2.32	Barrier free access to at least 20% of dwellings provided.	Provision intended for larger residential flat buildings subject to SEPP 65.	N/A
3.3.2.33	Developments located close to open space, recreation, entertainment and employment.	Development is located close to open space, recreation, entertainment and employment.	Yes
	Where LEP permits FSR > 1:1, FSR not less than 1:1 should be achieved.	The permitted floor space ratio is 1:1 and thus not greater than 1:1	Yes
3.3.2.34	Variety of types - studio, 1, 2, 3 and 3+ bedroom apartments	3x 2bd units are proposed across a mix of unit sizes and which will add to housing mix within the locality and the	N/A

		number of dwellings is limited to three (3).	
	Studio and 1 bedroom apartments not > 20% of total number of apartments.	None proposed	
	Mix of 1 and 3 bedroom apartments at ground level.	3x 2bd units are proposed across a mix of unit sizes and configurations.	
3.3.2.36	Lift over-runs and plant integrated within roof structures.	No lifts or plant proposed within roof structures.	N/A
	Outdoor recreation areas on roof tops to be landscaped and incorporate shade structures and wind screens.	None proposed	N/A
	Outdoor roof areas oriented to the street.	None proposed	N/A
	Roof design to generate interesting skyline.	The stepped design across skillions and mixture of materials creates an interesting façade and roof.	Yes
3.3.2.37	<p>Facade composition should:</p> <ul style="list-style-type: none"> • Have balance of horizontal and vertical elements. • Respond to environmental and energy needs. • Incorporate wind mitigation. • Reflect uses within the buildings. • Include combination of building elements. 	Development provides mixture of articulation and materials to create an interesting façade with regard to the environment	Yes
3.3.2.38	Building elements, materials and colours consistent or complimentary to those existing in the street.	The building elements reflects the current and desired character of the locality surrounding neighbourhood.	Yes
3.3.2.39	Entrances clearly identifiable from street level.	A clear, well designed entry off Gray Street provides pedestrian access to the building.	Yes
	Entries provide clear transition between public street and shared private circulation spaces/apartments.	The entrances have been designed to transition people into the building. The entry portico, landings, materials and the openings within the building define the public/private interface.	Yes
	Entries provide clear line of sight between one circulation space and the next.	Entrances are clear. The entrances to the upper and lower units are clearly defined.	Yes
	Entries avoid ambiguous and publicly accessible small spaces in entry areas.	See above	Yes

	Entries sheltered and well lit.	Entry sheltered and capable of being well lit by lighting.	Yes
	Entries and circulation spaces sized for movement of furniture.	While excessive furniture is not expected within entries and circulation spaces, the design allows for movement of furniture throughout.	Yes
	Corridors minimum 2.5m wide and 3.0m high.	Open plan living spaces proposed, no significant corridors.	N/A
	Corridor lengths minimised and avoid tight corners.	See above	N/A
	Longer corridors articulated by: <ul style="list-style-type: none"> Changing direction and width. Utilising series of foyers. Incorporating windows. 	See above	N/A
3.3.2.40	Minimum 1 balcony per apartment.	At least 1 balcony per apartment.	Yes
	Main balcony accessible from living area.	Yes	
	Balconies take advantage of favourable climatic conditions.	All balconies and north facing to take advantage of adequate solar access and prevailing breezes.	Yes
	Balconies and balustrades balance privacy and views.	Mixture of glass and screened balconies proposed.	Yes
3.3.2.41	Balconies include sunscreens, pergolas, shutters and operable walls.	Balconies include sheltered components, sliding doors to create an indoor/outdoor living area and privacy screens where needed.	Yes
	Balconies recessed to create shadowing to facade.	Owing to the steep topography and the proposed orientation to take advantage of the northerly aspect, the balcony of unit 1 is not completely recessed by the skillion roof. Units 2 and 3 are recessed.	Yes
3.3.2.42	Secure open air clothes drying facilities that are: <ul style="list-style-type: none"> easily accessible, screened from public domain and communal spaces, located with high degree of solar access. 	Sufficient area available within apartments and on balconies for clothes drying. In addition, exterior areas have the ability to introduce clothes drying facilities if required.	Yes
3.3.2.43	Mailboxes integrated into building design and sighted to ensure accessibility and security.	Mailbox's incorporated into the entrance area off Gray Street and are identifiable.	Yes
3.3.2.44	Public and private space clearly defined.	Private and public space appropriately defined.	Yes

	<p>Entrances:</p> <ul style="list-style-type: none"> oriented to public street, provide direct and well lit access between car parks, lift lobbies and unit entrances, optimise security by grouping clusters (max. 8) around a common lobby 	The primary entrance is orientated towards Gray Street and has been designed as a distinct opening that funnels people into the building. Openings from units face the internal landings which in turn are funnelled to communal areas and being visually open to the street and communal areas for security.	Yes
	<p>Surveillance facilitated by:</p> <ul style="list-style-type: none"> views over public space from living areas, casual views of common internal areas, provision of windows and balconies, separate entries to ground level apartments. 	Casual surveillance of communal open space, unit landings and public street available from apartments.	Yes
	<p>Concealment avoided by:</p> <ul style="list-style-type: none"> preventing dark or blind alcoves, providing lighting in all common areas, providing graded car parking illumination (greater at entrances). 	Building design limits concealment opportunities.	Yes
	Access to all parts of the building to be controlled.	Capable of complying	Yes
3.3.2.45	Accessible storage provided for tenants in basement car park or garages.	Storage available within garages.	Yes
	One bike stowage space per dwelling provided.	Bicycle storage area available within each unit and in secure exterior spaces.	Yes
3.3.2.46	<p>For developments of < 6 dwellings individual waste management permitted. Designated area to be provided for storage of bins:</p> <ul style="list-style-type: none"> not visible from street, easily accessible, not adjoining private or communal space, windows or clothes drying areas, on hard stand area, close to street and a tap for washing, maintained free of pests. 	3x units proposed. Accessible private bin storage space available. Condition recommended for screening of garbage areas.	Yes
	Communal bulk waste facilities integrated into development		

	and located at ground or sub-basement level. <ul style="list-style-type: none"> • Not visible from street, • Easily accessible, • Can be serviced by collection vehicles, • Not adjoining private or communal space, windows or clothes drying areas, • Has water and drainage facilities for cleaning, • Maintained free of pests. 		
3.3.2.47	Common trenching of utility services where possible.	Utilities proposed to be integrated where possible to minimise excavation required.	Yes
	Above ground utility infrastructure integrated with building design.	Minimal utility upgrades required.	Yes
	Site and individual units numbered.	Capable of complying.	Yes

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	No concealment or entrapment areas proposed. Adequate casual surveillance available.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Cut and fill <1.0m change 1m outside the perimeter of the external building walls	Yes
2.3.3.2	1m max. height retaining walls along road frontage	None proposed	N/A
	Any retaining wall >1.0 in height to be certified by structure engineer	Retaining walls likely >1m for driveway. Condition recommended to require engineering certification	Yes
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	No retaining wall front fence combination proposed.	N/A
2.3.3.8	Removal of hollow bearing trees	No trees proposed to be removed	N/A

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
2.6.3.1	Tree removal (3m or higher with 100m diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	No trees proposed to be removed	N/A
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not permitted from arterial or distributor roads	No new access proposed to arterial or distributor road.	N/A
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossing is minimised in width to that practical including maximising street parking opportunities.	Yes
2.5.3.3	<p>Parking in accordance with Table 2.5.1.</p> <p><u>Dwelling/dual occupancies</u></p> <p>1 space per dwelling/occupancy (behind building line).</p> <p><u>Multi dwelling</u></p> <p>1 space per 1 & 2 bedroom occupancies</p> <p>1.5 spaces per 3+ bedroom occupancies</p> <p>0.25 spaces per occupancy for visitor parking.</p>	<p>Proposal includes:</p> <p>2bd units = 3x</p> <p>Therefore, parking requirements are:</p> <p>2bd units = 3</p> <p>Visitor (0.25 x3) = 0.75 (1)</p> <p>Total Required: = 4.0 spaces</p> <p>The overall parking demand of the development is therefore 4 spaces.</p> <p>The submitted plan identifies 3x single garages plus provision for stacked parking and complies with the minimum requirement.</p>	Yes
2.5.3.11	Section 94 contributions	Contributions apply - refer to ET calc and NOP.	Yes
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Suitable landscaping proposed around driveway/parking locations.	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveway areas proposed.	Yes
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Driveway grades capable of satisfying Council standard driveway crossover requirements. Condition recommended for section 138 Roads Act permit	Yes
2.5.3.17	Parking areas to be designed	Stormwater drainage is	Yes

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
	to avoid concentrations of water runoff on the surface.	capable of being managed as part of plumbing construction.	

The proposal seeks to vary Development Provision relating to 3.2.2.6 - side setbacks.

The relevant objectives are: To promote buildings of articulated design and massing, with useable private external open spaces.

- *To allow flexibility in the siting of buildings while limiting the extent to which any building overshadows or overlooks adjacent properties.*
- *To allow adequate natural light and ventilation between dwellings/buildings and to private open space areas.*
- *To provide acoustic and visual privacy.*
- *To provide adequate area for deep soil planting.*

Having regard for the development provisions and relevant objectives, the variation is considered acceptable for the following reasons:

- The proposal has minimum side setbacks of 1.1m along the eastern boundary and 1.3m along the western boundary;
- The proposal is technically by design a residential flat building. This is mainly owing to the design needing to accommodate the steep slope of the site and the nature of the site topography. The scale of the proposal is more akin to a multi-dwelling proposal to which the proposal would comply with the DCP provisions;
- The land adjoining the northern and eastern boundary is zoned E2 Environmental Conservation and is not presently developed and is not considered to pose any privacy or acoustic concerns. Additionally the land to the north forms part of Wrights Creek and is bisected by an informal gravel roadway running the length of the northern boundary;
- The existing building to the west is setback approximately over 3m from the current proposal and is set predominantly forward of the majority of the present proposal. The only window directly facing the dwelling to the west is bedroom window from Unit 1 on the second storey and is considered to have minimal acoustic or privacy implications;
- The proposal and the dwelling to the north are both oriented on a north-south alignment and enjoy a separation in excess of 3m, and allowing for adequate natural light and ventilation;
- In this regard, given then steep slope of the site, the low bulk and scale of the proposal and it being more akin to multi-dwelling building, and the lack of privacy concerns to adjoining blocks, the variation is considered acceptable.

The proposal seeks to vary Development Provision relating to 3.3.2.20 - private open space.

The relevant objectives are: *To encourage useable private open space which meets the occupants requirements for privacy, safety, access, outdoor activities and landscaping.*

Having regard for the development provisions and relevant objectives, the variation is considered acceptable for the following reasons:

- The proposal provides for 47m² for Unit 1 in a minimum 4x4m area, and 32m² for Unit 2 in an area less than 4m x 4m; The private open space for the second storey Unit 3 is 27m² and provided on the deck;
- The private open space for Units 1 and 2 are not accessible directly from the ground floor living areas;
- The topography of the site slopes heavily from high south to low north. The site is oriented north-south, with the units designed to maximise solar and breeze access with a northern orientation;
- Owing to this significant slope, and living spaces and balconies of Units 1 and 2 sit approximately 4.5m off the ground. These units both have significant deck space of approximately 13m² in a 1.8m x 7.3m space directly accessible from their primary living areas;
- These units have access to exterior private open space via steps to the front of the units;
- Unit 1 has 27m² private open space in a minimum 3.6m wide area on a deck directly accessible from its primary living area.

The proposal seeks to vary Development Provision relating to 3.3.2.26 - opening separations to adjoining dwellings.

The relevant objectives are: *To protect the acoustic privacy of onsite and nearby residents.*

Having regard for the development provisions and relevant objectives, the variation is considered acceptable for the following reasons:

- The proposal is situated approximately 3.3m from the existing dwelling to the west and has a 1.5m setback to the western boundary;
- The proposal is technically by design a residential flat building. This is mainly owing to the design needing to accommodate the steep slope of the site and the nature of the site topography. The scale of the proposal is more akin to a multi-dwelling proposal. In this sense, a side setback of 0.9m would be acceptable with adequate privacy and acoustic screening;
- This existing dwelling is predominantly set to the front of the proposal with a single bedroom window from the second storey Unit 3 facing the existing dwelling to the north and is not considered to generate acoustic issues;
- The areas fronting the side boundaries are predominantly bedroom or kitchen spaces, and can be considered quiet areas.

The proposal seeks to vary Development Provision relating to 3.3.2.30 - direct views to neighbouring properties.

The relevant objectives are: *To protect the visual privacy of on-site and nearby residents.*

Having regard for the development provisions and relevant objectives, the variation is considered acceptable for the following reasons:

- The proposal is situated approximately 3.3m from the existing dwelling to the west and has a 1.5m setback to the western boundary;
- The proposal is technically by design a residential flat building. This is mainly owing to the design needing to accommodate the steep slope of the site and the nature of the site topography. The scale of the proposal is more akin to a multi-dwelling proposal. In this sense, a side setback of 0.9m would be acceptable with adequate privacy and acoustic screening;

- This existing dwelling is predominantly set to the front of the proposal with a single bedroom window from the second storey Unit 3 facing the existing dwelling to the north and is not considered to generate privacy issues;
- The areas fronting the side boundaries are predominantly bedroom or kitchen spaces, and can be considered quiet areas;

Based on the above assessment, the variations proposed to the provisions of the DCP are considered acceptable and the relevant objectives have been satisfied.

Cumulatively, the variations do not amount to an adverse impact or a significance that would justify refusal of the application.

(iiia) Any planning agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under section 7.4

No planning agreement has been offered or entered into relating to the site.

(iv) Any matters prescribed by the Regulations

None prescribed

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, social and economic impacts in the locality:

Context and Setting:

The site has a general southerly street frontage orientation to Gray Street. Adjoining the site to the south, east and west is further R1 general residential uses; to the north is E2 as part of Wrights Creek.

- The proposal will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.
- The proposal is considered to be consistent with other residential development in the locality and adequately addresses planning controls for the area.
- There are no adverse impacts on existing view sharing.
- There are no adverse privacy impacts.
- There are no adverse overshadowing impacts. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.

Roads, Traffic and Transport

The site has road frontage to Gray Street, Port Macquarie.

Adjacent to the site, Gray Street is a sealed public road under the care and control of Council. Gray Street is a Local road with a 7m road width within a 15m road reserve. There is SA profile kerb and gutter across most of the property frontage. The kerb and gutter ceases about 3m from the eastern edge of the property boundary. On-street parking is available and there is no footpath present on either side of the road.

The site is currently approved for residential use, The addition in traffic associated with the development is unlikely to have any adverse impacts to the existing road network within the immediate locality.

Site Frontage & Access

Vehicle access to the site is proposed through one individual driveway and one shared driveway, with direct frontage to Gray Street, being a Council-owned public road. Access shall comply with Council AUSPEC and Australian Standards, and conditions have been imposed to reflect these requirements.

Due to the type and size of development, additional works are required to include:

- kerb and gutter along the full road frontage of the property
- footpath is not required in this instance, given the limited space available in the verge and the terrain's steep decline from the back of the kerb.
- A condition is recommended that the verge be raised to avoid overland flow surcharging over the gutter and into the property in the event of a large rainfall event. Where possible, the verge should be graded in such a way that the overland flow is directed to the east, down Gray Street.

Parking and Manoeuvring

Parking spaces have been provided on-site within garages with additional parking available within the driveway. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been imposed to reflect these requirements.

Water Supply Connection

Council records indicate that a 150mm water main exists on the opposing side of Gray Street. Each proposed dwelling will need to be separately metered, meters may be either located at the road frontage or internally with a master meter at the boundary. All design & works shall be in accordance with Council's adopted AUSPEC Specifications.

Detailed plans will be required to be submitted for assessment with the S.68 application.

Refer to relevant conditions of consent.

Sewer Connection

The proposed development shall drain all sewage to the existing sewer junction unless otherwise agreed by PMHC's Water & Sewer Planning Manager. All design & works shall be in accordance with Council's adopted AUSPEC Specifications.

Detailed plans will be required to be submitted for assessment with the S.68 application.

Refer to relevant conditions of consent.

Stormwater

The site naturally grades towards Wrights Creek at the rear and is currently unserved by the public piped drainage system.

On-site disposal at this location would likely be problematic given the low and likely water charged condition of the natural ground at the rear of the property.

Furthermore, the significant grade between Gray Street and Wrights Creek at the rear means that disposal of stormwater runoff to the street frontage is not a viable option. Therefore, the legal point of discharge for the proposed development is defined as a direct connection to downstream and adjoining bank of Wrights Creek.

In order to facilitate this connection, a Controlled Activity Approval must be obtained from the NSW Department of Planning, Industry and Environment and prior to the issue of a Construction Certificate. The outlet to Wrights Creek shall be constructed in accordance with the NSW Department of Primary Industries, Office of Water publication "Guidelines for outlet structures on waterfront land".

A detailed site stormwater management plan will be required to be submitted for assessment with the S.68 application and prior to the issue of a Construction Certificate.

Refer to relevant conditions of consent.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

No known items of Aboriginal or European heritage significance exist on the property. No adverse impacts anticipated.

Other land resources

The site is within an established urban context and will not sterilise any significant mineral or agricultural resource.

Water cycle

The proposed development will be unlikely to have any adverse impacts on water resources and the water cycle.

Soils

The proposed development will be unlikely to have any adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to a standard condition requiring erosion and sediment controls to be in place prior to and during construction.

Air and microclimate

The construction and/or operations of the proposed development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution. Standard precautionary site management condition recommended.

Flora and fauna

Construction of the proposed development will not require any removal/clearing of any native vegetation and therefore does not trigger the biodiversity offsets scheme. Part 7 of the Biodiversity Conservation Act 2016 is considered to be satisfied.

Waste

Satisfactory arrangements are in place for proposed storage and collection of waste and recyclables. No adverse impacts anticipated. Standard precautionary site management condition recommended.

Energy

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of BASIX.

Noise and vibration

No adverse impacts anticipated. Condition recommended to restrict construction to standard construction hours.

Bushfire

The site is identified as being bushfire prone.

The Applicant has submitted a bushfire report prepared by a Certified Consultant.

An assessment of bushfire risk having regard to section 4.3.5 of Planning for Bushfire Protection 2006 including vegetation classification and slope concludes that a Bushfire Attack Level 29 shall be required. An appropriate condition is recommended.

Safety, security and crime prevention

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. The increase in housing density will improve natural surveillance within the locality and openings from each dwelling overlook common and private areas.

Social impacts in the locality

Given the nature of the proposed development and its' location the proposal is unlikely to result in any adverse social impacts.

Economic impact in the locality

No adverse impacts. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area.

Site design and internal design

The proposed development design satisfactorily responds to the site attributes and will fit into the locality. No adverse impacts likely.

Construction

No potential adverse impacts identified to neighbouring properties with the construction of the proposal.

Cumulative Impacts

The proposed development is not considered to have any significant adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

(c) The suitability of the site for the development

The proposal will fit into the locality and the site attributes are conducive to the proposed development.

(d) Any submissions made in accordance with this Act or the Regulations

Following exhibition of the application in accordance with DCP 2013, no submissions were received.

(e) The Public Interest

The proposed development satisfies relevant planning controls and will not adversely impact on the wider public interest.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions will be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- Development contributions will be required in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.
- A copy of the contributions estimate is included as Attachment 3.

5. CONCLUSION AND STATEMENT OF REASON

The application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

Attachments

1. [DA 2019 - 215.1 Recommended Conditions](#)
2. [DA2019 - 215.1 Plans](#)
3. [DA2019 - 215.1 Contributions Estimate](#)
4. [DA2019 - 215.1 Bushfire Assessment Report](#)

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2019/215****DATE: 18/02/2020****PRESCRIBED CONDITIONS**

The development is to be undertaken in accordance with the prescribed conditions of Part 6 - Division 8A of the *Environmental Planning & Assessment Regulations* 2000

A – GENERAL MATTERS

- (1) (A001) The development is to be carried out in accordance with the plans and supporting documents set out in the following table, as stamped and returned with this consent, except where modified by any conditions of this consent.

Plan / Supporting Document	Reference	Prepared by	Date
Development Plans	MAAP06; DA01-8	MAAP House Pty. Ltd.	7 January 2020
BASIX Certificate	981851M	Building Sustainability Assessments	25 January 2019
Bushfire Assessment Report	LOT: 22 DP: 38266, 5 Gray Street PORT MACQUARIE	Tattersall Lander Pty. Ltd.	July 2019

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

- (2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority; and
 - the date on which work will commence.
- Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
- (3) (A003) The proponent shall submit an application for a Subdivision Certificate for Council certification with all relevant documentation.
- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (5) (A009) The development site is to be managed for the entirety of work in the following manner:

1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
2. Appropriate dust control measures;
3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
4. Building waste is to be managed via an appropriate receptacle;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (8) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
 - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

Such security is to be provided to Council prior to the issue of the Subdivision Certificate/Construction Certificate or Section 138 of the Roads Act, 1993.

The security is to be for such reasonable amount as is determined by the consent authority, being an amount that is 10% of the contracted works for Torrens Title subdivision development/the estimated cost plus 30% for building development of public works or \$5000, whichever is the greater of carrying out the development by way of:

- i. deposit with the Council, or
- ii. an unconditional bank guarantee in favour of the Council.

The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. Should Council have to call up the bond and the repair costs exceed the bond amount, a separate invoice will be issued. If no application is made to the Council for a refund of any balance remaining of the security within 6 years after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
- Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.
- Such works include, but not be limited to:
- Civil works
 - Traffic management
 - Work zone areas
 - Hoardings
 - Concrete foot paving (width)
 - Footway and gutter crossing
 - Functional vehicular access
- Where works are proposed on an RMS classified facility, the Road Authority shall obtain RMS concurrence prior to any approval.
- (3) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
1. Road works along the frontage of the development.
 2. Stormwater systems.
 3. Erosion & Sedimentation controls.
 4. Location of all existing and proposed utility services including:
 - a. Conduits for electricity supply and communication services (including fibre optic cable).
 - b. Water supply
 - c. Sewerage
 - d. Stormwater
 5. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD201 Port Macquarie-Hastings Council current version.
- (4) (B010) Payment to Council, prior to the issue of the Construction or Subdivision Certificate (whichever occurs first) of the Section 7.11 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act

1979 as amended, and in accordance with the provisions of the following plans:

- Port Macquarie-Hastings Administration Building Contributions Plan 2007
- Hastings S94 Administration Levy Contributions Plan
- Port Macquarie-Hastings Open Space Contributions Plan 2018
- Hastings S94 Major Roads Contributions Plan
- Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005

The plans may be viewed during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.

The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.

- (5) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Construction or Subdivision Certificate (whichever occurs first), of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
- augmentation of the town water supply headworks
 - augmentation of the town sewerage system headworks
- (6) (B016) Provision to each lot of a separate sewer line to Council's main. All work will need to comply with the requirements of Council's adopted AUSPEC Design and Construction Guidelines and Policies. Any abandoned sewer junctions are to be capped off at Council's sewer main.
- (7) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (8) (B037) The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main. Details indicating compliance with this are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (9) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.

- (10) (B039) Detailed drawings and specifications prepared by a professional engineer for all retaining walls supporting:
- i. earthworks that are more than 600mm above or below ground level (existing); or
 - ii. located within 1m of the property boundaries; or
 - iii. earthworks that are more than 1m above or below ground level (existing) in any other location;
- are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (11) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (13) The proposed development shall drain all sewage to the existing sewer junction unless otherwise agreed by PMHC's Water & Sewer Planning Manager. All design & works shall be in accordance with Council's adopted AUSPEC Specifications.
- (14) Each proposed dwelling will need to be separately metered for water, meters may be either located at the road frontage or internally with a master meter at the boundary. All design & works shall be in accordance with Council's adopted AUSPEC Specifications.
- (15) (B046) The building shall be designed and constructed so as to comply with the Bush Fire Attack (BAL) 29 requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement.
- Please note: Compliance with the requirements of Planning for Bush Fire Protection 2006 to prevail in the extent of any inconsistency with the Building Code of Australia.
- (16) (B054) A driveway longitudinal section shall accompany the section 138 application pursuant to section 138 of the *Roads Act, 1993*. The section shall demonstrate compliance with Council's adopted AUSPEC Design and Construction Guidelines.
- (17) (B195) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications, Australian Rainfall and Runoff 2019, the requirements of Relevant Australian Standards and shall make provision for the following:
- a) The legal point of discharge for the proposed development is defined as a direct connection to downstream and adjoining bank of Wrights Creek.
- In this regard, a Controlled Activity Approval must be obtained from the NSW Department of Planning, Industry and Environment prior to the issue of a Construction Certificate (<https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities>). A copy of the approval and any associated conditions shall be submitted with the application pursuant to section 68 of the Local Government Act, 1993.
- b) Any outlet to Wrights Creek shall be constructed in accordance with the NSW Department of Primary Industries, Office of Water publication "Guidelines for outlet structures on waterfront land".

- c) The design shall include detail of the extent of fill required to be placed at the Gray Street frontage of the site to facilitate safe vehicular and pedestrian access in accordance with AUSPEC requirements and shall include long and cross sections to demonstrate that any stormwater runoff from the verge area (between back of kerb and boundary) is either directed to the kerb or an appropriately designed internal drainage system within the site.
 - d) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- (18) (B0196) Prior to release of the Construction Certificate a practising chartered professional structural engineer is to provide certification to the PCA that the structural elements of the building are designed so that all structural members are capable of withstanding flood forces and the impact of any debris (carried by floodwaters) likely to occur for a range of floods up to and including the 1 in 100 year flood including climate change and the relevant freeboard level of 500mm. For the purpose of this requirement, the 1 in 100 year flood level including climate change may be assumed to be RL4.28m AHD. Velocities to be adopted for the calculation of forces created by flood waters and debris loading shall be at least three (3) times the velocities for a 1 in 100 year flood including climate change plus freeboard. For the purpose of this requirement, the velocity for the 1 in 100 flood including climate change may be assumed to be 0.73m/s.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers.
- (3) (C013) Where a sewer manhole and/or Vertical Inspection Shaft (VIS) exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

D – DURING WORK

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:
 - a. at completion of installation of erosion control measures
 - b. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
 - c. before pouring of kerb and gutter;
 - d. prior to the pouring of concrete for sewerage works and/or works on public property;

All works at each hold point shall be certified as compliant in accordance with the requirements of AUSPEC Specifications for Provision of Public Infrastructure and any other Council approval, prior to proceeding to the next hold point.

- (2) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (D003) The site is in an area known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.
- (4) (D025) The sewer junction shall be capped off with an approved fitting in conjunction with demolition works and Council notified to carry out an inspection prior to backfilling of this work.
- (5) (D029) The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601-1991: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

Should asbestos be present, its removal shall be carried out in accordance with the National OH&S Committee – *Code of Practice for Safe Removal of Asbestos* and *Code of Practice for the Management and Control of Asbestos in Workplaces*.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE / SUBDIVISION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (3) (E010) Driveways, access aisles and parking areas shall be provided with a concrete surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (4) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (5) (E038) Interallotment drainage shall be piped and centrally located within an inter-allotment drainage easement, installed in accordance with Council's current AUSPEC standards (minimum 225mm pipe diameter within a minimum 1.5m easement). Details shall be provided:

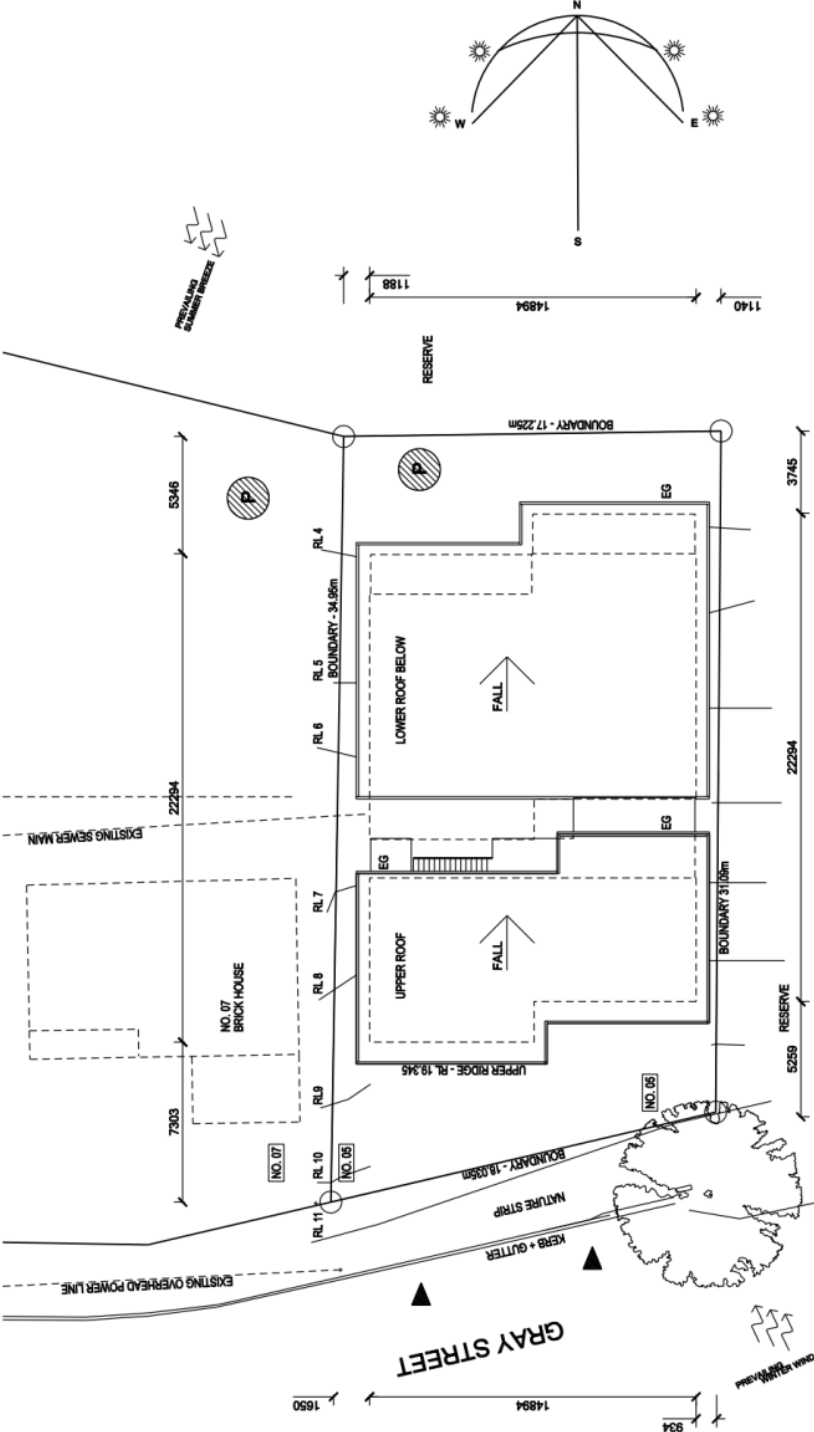
- As part of a Local Government Act (s68) application with evidence of registration of the easement with the Land Titles Office provided to Council prior to issue of the s68 Certificate of Completion; or
 - As part of a Construction Certificate application for subdivision works with dedication of the easement as part of any Subdivision Certificate associated with interallotment drainage.
- (6) (E039) An appropriately qualified and practising consultant is required to certify the following:
- a. all drainage lines have been located within the respective easements, and
 - b. any other drainage structures are located in accordance with the Construction Certificate.
 - c. all stormwater has been directed to a Council approved drainage system
 - d. all conditions of consent/ construction certificate approval have been complied with.
 - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (6) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (7) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (6) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (eg the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (7) (E061) Landscaped areas being completed prior to occupation or issue of the Certificate.
- (8) (E056) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation or subdivision certificate. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor.
- (9) (E068) Prior to the issue of an occupation certificate, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the lots (including street lighting and fibre optic cabling where required).
- (10) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (11) (E195) The subdivision certificate shall not be issued until such time that the dwellings associated with this development are substantially commenced (as determined by Council) or where a strata management statement, or

restriction as to user, prohibits any dwelling on each lot other than the dwelling approved as part of this consent.

F – OCCUPATION OF THE SITE

- (1) (F004) The dwellings are approved for permanent residential use and not for short term tourist and visitor accommodation.

DRAFT



LEGEND

PREVAILING WIND	HOUSE SOURCE	EXISTING ROAD TO BE REMOVED	PRIVATE OPEN SPACE	EXISTING ROAD TO BE RETAINED
EXISTING ROAD TO BE REMOVED	HOUSE SOURCE	EXISTING ROAD TO BE REMOVED	PRIVATE OPEN SPACE	EXISTING ROAD TO BE RETAINED
EXISTING ROAD TO BE REMOVED	HOUSE SOURCE	EXISTING ROAD TO BE REMOVED	PRIVATE OPEN SPACE	EXISTING ROAD TO BE RETAINED
EXISTING ROAD TO BE REMOVED	HOUSE SOURCE	EXISTING ROAD TO BE REMOVED	PRIVATE OPEN SPACE	EXISTING ROAD TO BE RETAINED
EXISTING ROAD TO BE REMOVED	HOUSE SOURCE	EXISTING ROAD TO BE REMOVED	PRIVATE OPEN SPACE	EXISTING ROAD TO BE RETAINED

LEGEND

GENERAL NOTES

DRAWINGS FOR DEVELOPMENT APPLICATION PURPOSES ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION.

REFER TO BASIS COMMITMENTS NOTES LISTED ON DWG. MAAP06.DA10 FOR DETAILED INFORMATION ON THE REQUIREMENTS FOR NEW DOWNPIPES TO BE CONNECTED TO NEW SUB-FLOOR RAINWATER TANK OVERFLOW TO CONNECT INTO EXISTING STORMWATER LINES.

SITE ANALYSIS PLAN - 1:200

MODULAR ARCHITECTURAL ADAPTABLE PANEL

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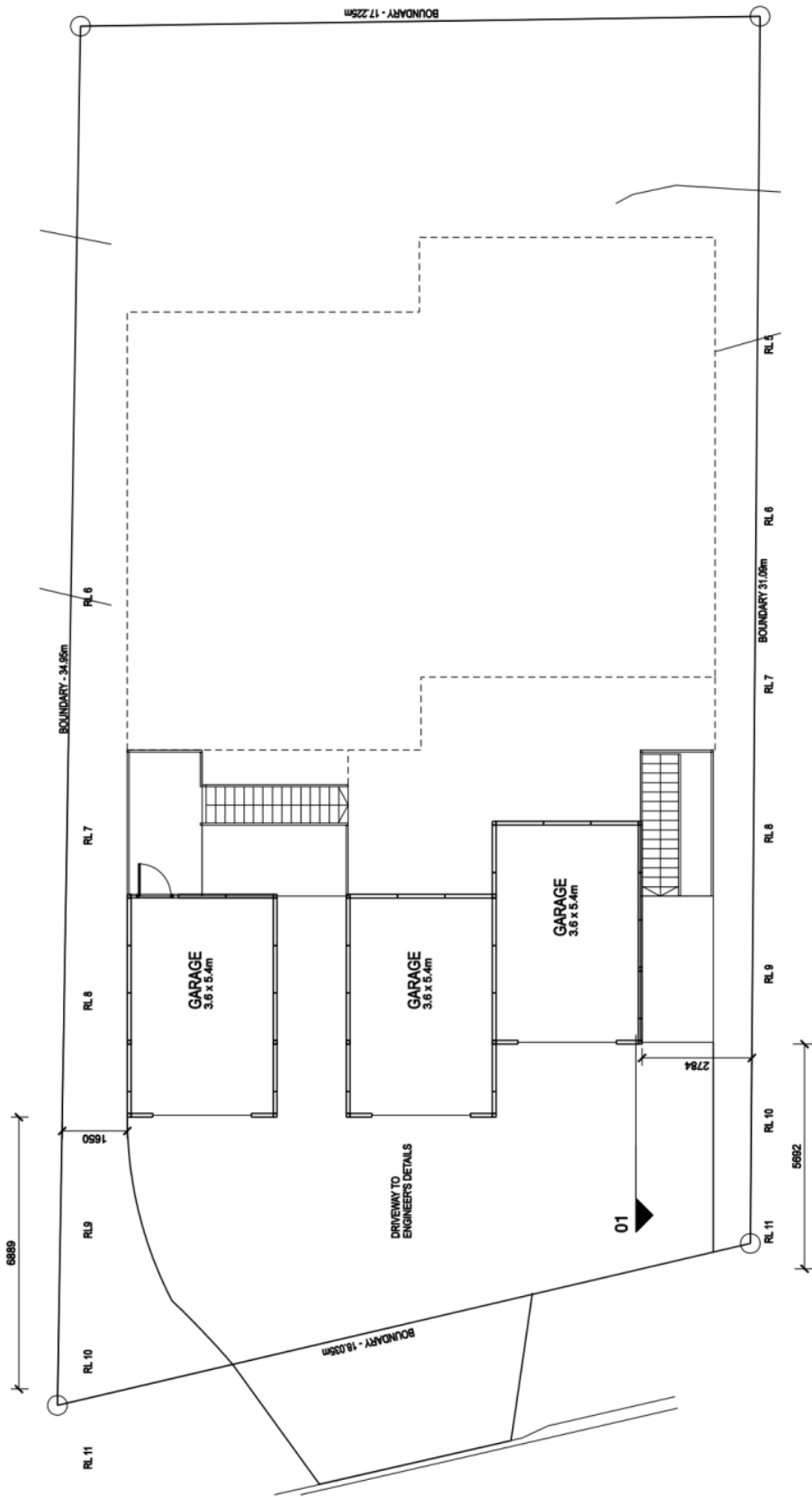
MAAP06.DA01

PROJECT DETAILS

TITLE	MULTI-HOUSE DEVELOPMENT
CLIENT	PHILIP ROSE
PROJECT ADDRESS	5 GRAY STREET PORT MACQUARIE
SITE DETAILS	LOT 22 DP 982600

SITE ANALYSIS PLAN - 1:200

DATE	14.11.19	ISSUE	A	DAISIE
DATE	07.01.20	ISSUE	B	ADDITIONAL INFORMATION



MIDDLE FLOOR PLAN - 1:100

GENERAL NOTES

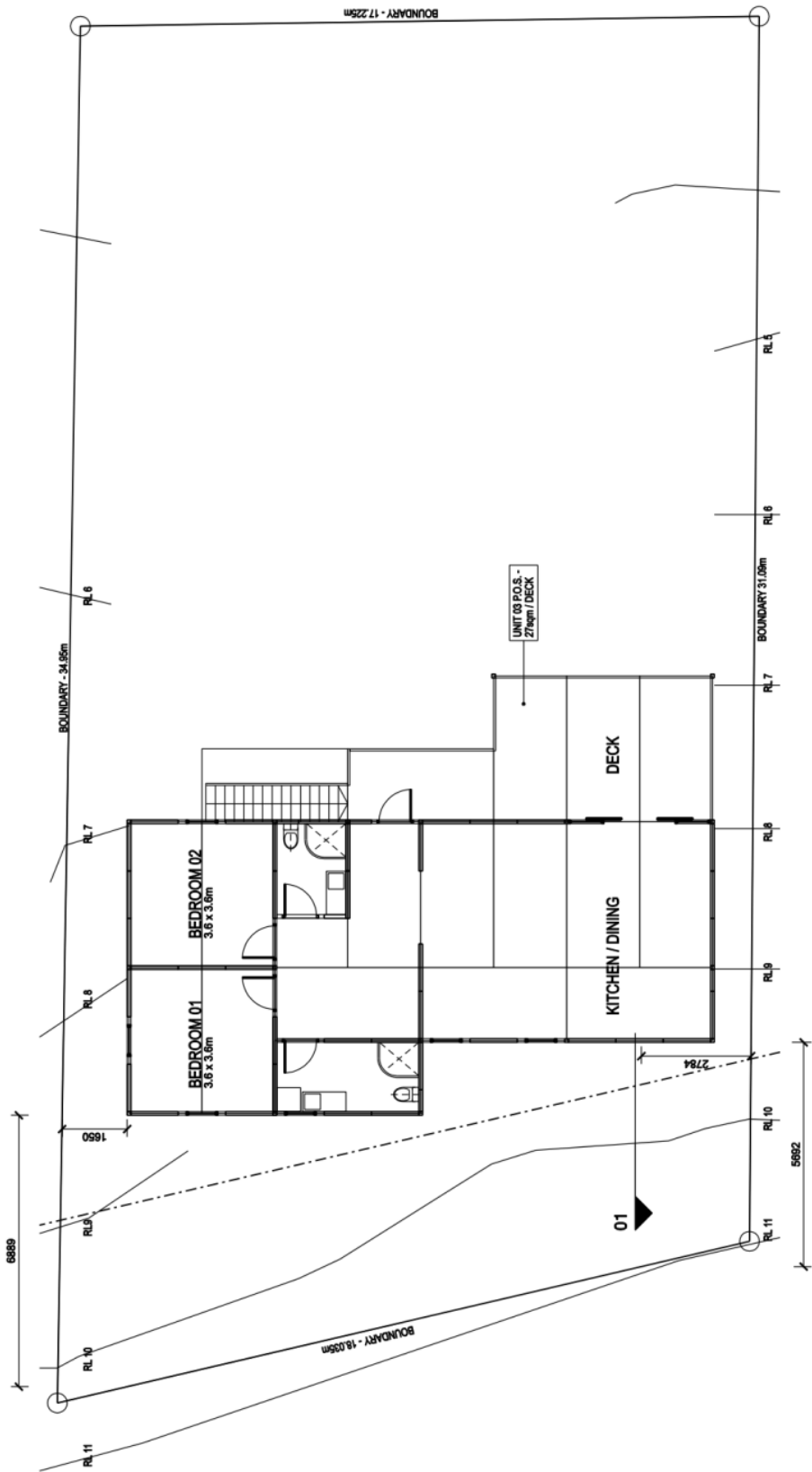
DRAWINGS FOR DEVELOPMENT APPLICATION PURPOSES ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION. REFER TO BASIS OF CONDITIONS LISTED ON DWG. MAAP06.DA10 FOR TYPICAL CONSTRUCTION DETAILS. NEW DOWNPIPES TO BE CONNECTED TO NEW SUB-FLOOR RAINWATER TANK OVERFLOW TO CONNECT INTO EXISTING STORMWATER LINES.

LEGEND

- CFT CERAMIC FLOOR TILE
- DP DOWNPIPE
- EX EXISTING FLOOR LEVEL
- FL FLOOR LEVEL
- RL REDUCED LEVEL
- S SINK
- SH SHOWER
- TFB TIMBER FLOOR BOARDS
- WC WATER CLOSET

MIDDLE FLOOR PLAN - 1:100





UPPER FLOOR PLAN - 1:100

GENERAL NOTES

DRAWINGS FOR DEVELOPMENT APPLICATION PURPOSES ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION.
REFER TO BASIS OF CONDITIONS LISTED ON DWG. MAAP06.DA10 FOR THE BASIS OF CONDITIONS.
NEW DOWNPIPES TO BE CONNECTED TO NEW SUB-FLOOR RAINWATER TANK OVERFLOW TO CONNECT INTO EXISTING STORMWATER LINES.

LEGEND

- CFT CERAMIC FLOOR TILE
- DP DOWNPIPE
- EX EXISTING FLOOR LEVEL
- FL FLOOR LEVEL
- RL REDUCED LEVEL
- S SINK
- SH SHOWER
- TFB TIMBER FLOOR BOARDS
- WC WATER CLOSET



UPPER FLOOR PLAN - 1:100

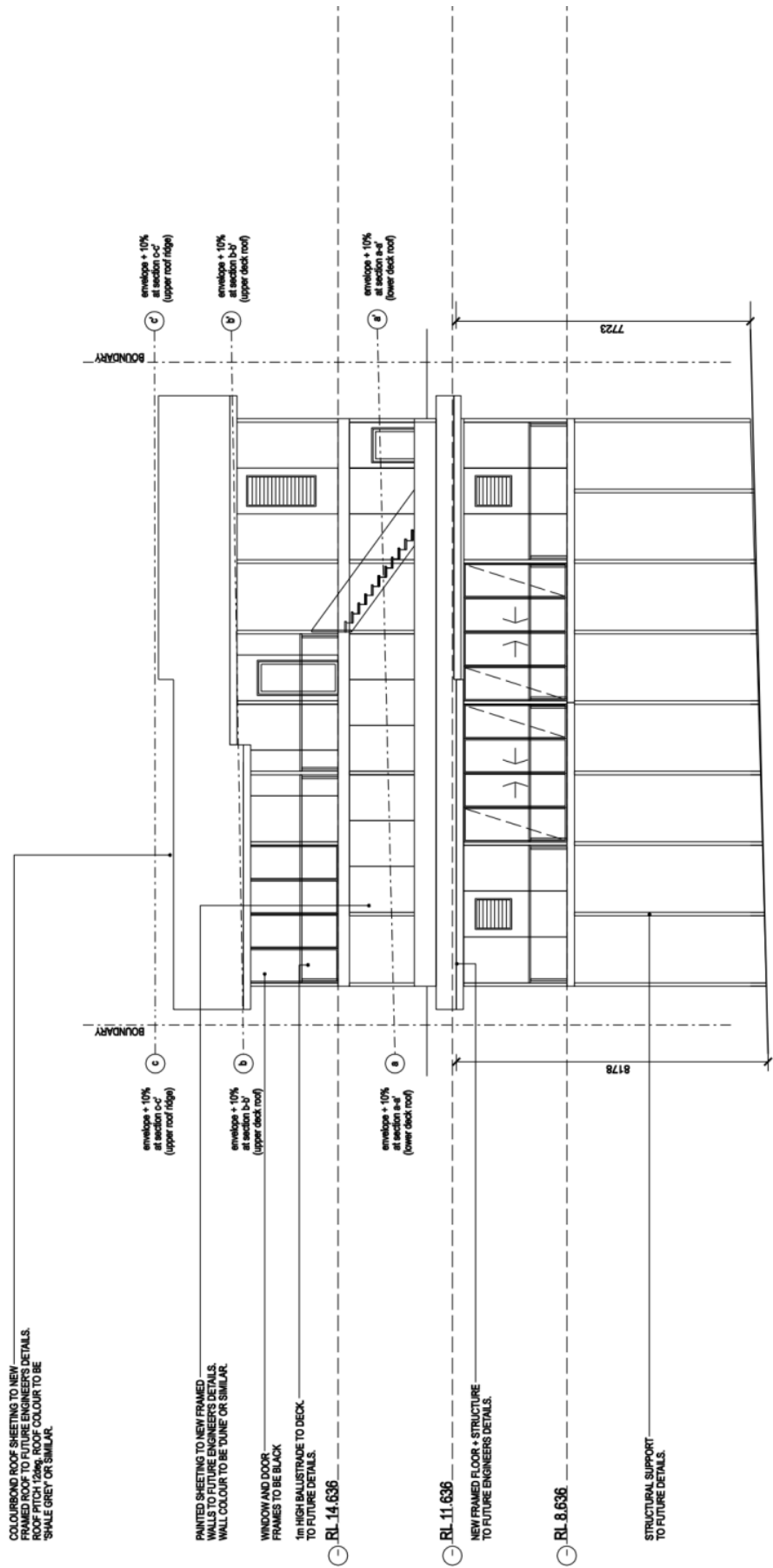
PROJECT DETAILS			
TITLE	MULTI-HOUSE DEVELOPMENT		
CLIENT	PHILIP POSE		
PROJECT ADDRESS	5 GRAY STREET PORT MACQUARIE		
SITE DETAILS	LOT 22 DP 982600		
DATE	14.11.19	ISSUE	A
DATE	07.01.20	ISSUE	B
ADDITIONAL INFORMATION			
NOTES			



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ADAPTABLE
PANEL

MAAP06.DA04

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NORTH ELEVATION - 1:100

GENERAL NOTES

DRAWINGS FOR DEVELOPMENT APPLICATION PURPOSES ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION.
REFLECT TO BACK OF DRAWING FOR LISTED ON DWG. MAP06.DA10 FOR LIST OF COMMUNITY INFRASTRUCTURE.
NEW DOWNPIPES TO BE CONNECTED TO NEW SUB-FLOOR RAINWATER TANK OVERFLOW TO CONNECT INTO EXISTING STORMWATER LINES.

LEGEND

- CFT CERAMIC FLOOR TILE
- DP DOWNPIPE
- EX EXISTING FLOOR LEVEL
- PL PLASTER
- RL REDUCED LEVEL
- S SINK
- SH SHOWER
- TFB TIMBER FLOOR BOARDS
- WC WATER CLOSET

NORTH ELEVATION - 1:100

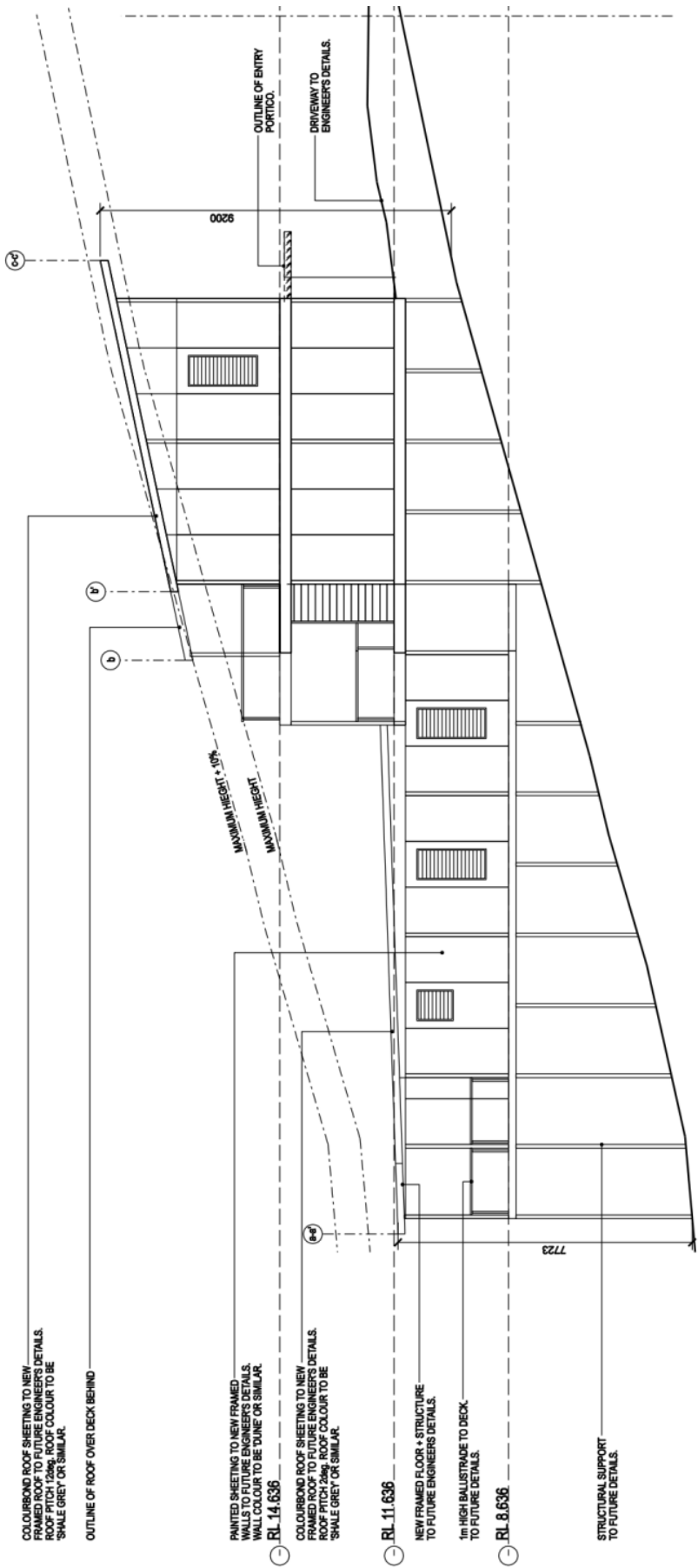


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MAAP06.DA05

PROJECT DETAILS		NORTH ELEVATION - 1:100			
TITLE		MULTI-HOUSE DEVELOPMENT			
CLIENT		PHILIP ROSE			
PROJECT ADDRESS		5 GRAY STREET PORT MACQUARIE			
SITE DETAILS		LUT 22 DP 982608			
		DATE	14.11.19	ISSUE	A
		DATE	07.01.20	ISSUE	B
		ADDITIONAL INFORMATION			



WEST ELEVATION - 1:100

GENERAL NOTES

DRAWINGS FOR DEVELOPMENT APPLICATION PURPOSES ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION.
REFLECT TO BACK OF COMMUNITY INTEREST LISTED ON DWG. MAAP06.DA10 FOR LIST OF COMMUNITY INTERESTS.
NEW DOWNPIPES TO BE CONNECTED TO NEW SUB-FLOOR RAINWATER TANK OVERFLOW TO CONNECT INTO EXISTING STORMWATER LINES.



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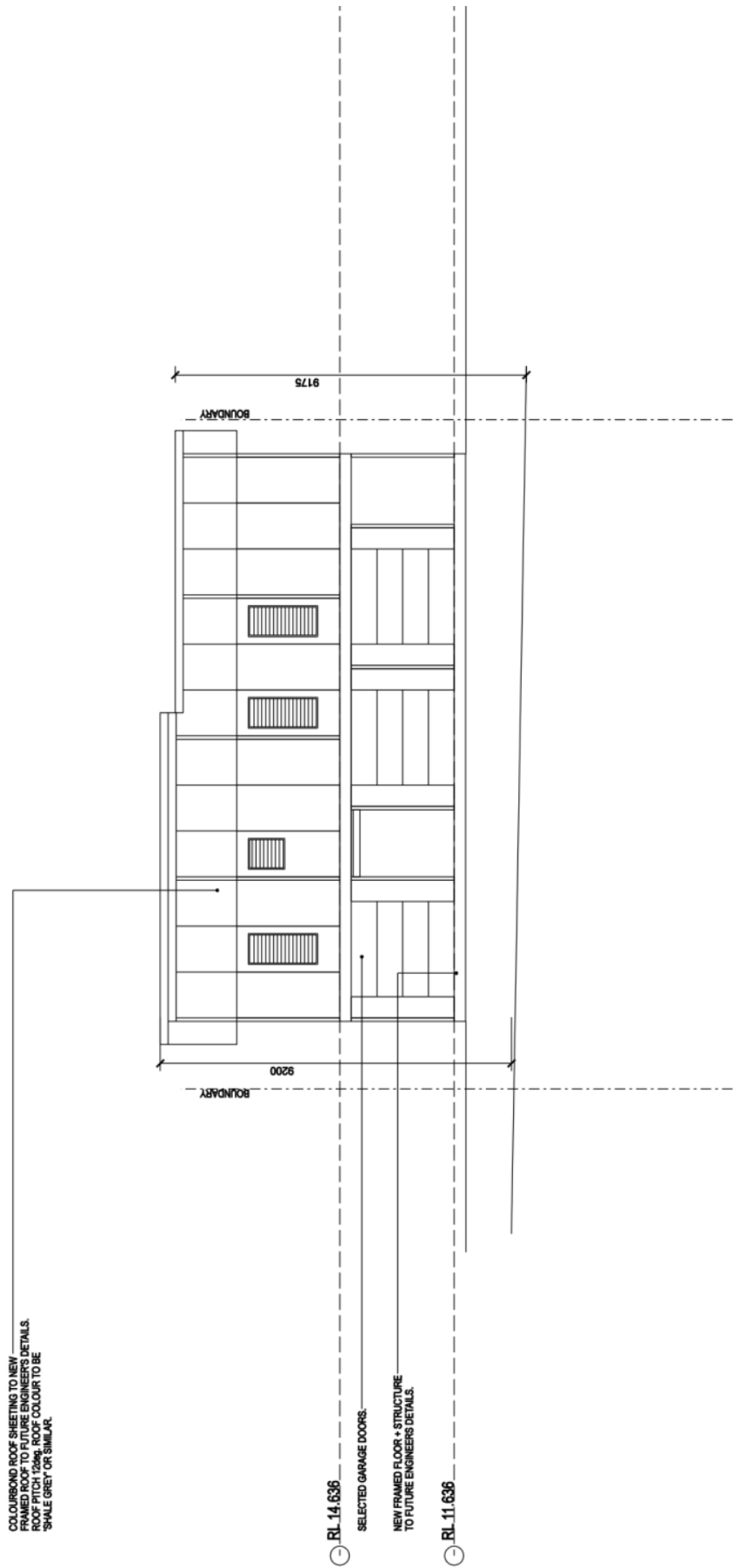
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LEGEND

CFT CERAMIC FLOOR TILE S SINK
DP DOWNPIPE SH SHOWER
EX EXISTING TIMBER FLOOR BOARDS
FL FLOOR LEVEL
RL REDUCED LEVEL WC WATER CLOSET



PROJECT DETAILS				WEST ELEVATION - 1:100			
TITLE	MULTI-HOUSE DEVELOPMENT						
CLIENT	PHEIP POSE						
PROJECT ADDRESS	5 GRAY STREET PORT MACQUARIE			07/01/20	B	ADDITIONAL INFORMATION	
SITE DETAILS	LOT 22 DP 98260			14.11.19	A	DATE	ISSUE
						NOTES	



SOUTH ELEVATION - 1:100

GENERAL NOTES

DRAWINGS FOR DEVELOPMENT APPLICATION PURPOSES ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION.
REFERS TO BASIN CUMULATIVE IMPACTS LISTED ON DWG. MAAP06.DA10 FOR INFO ON CUMULATIVE IMPACTS.
NEW DOWNPIPES TO BE CONNECTED TO NEW SUB-FLOOR RAINWATER TANK OVERFLOW TO CONNECT INTO EXISTING STORMWATER LINES.



**MODULAR
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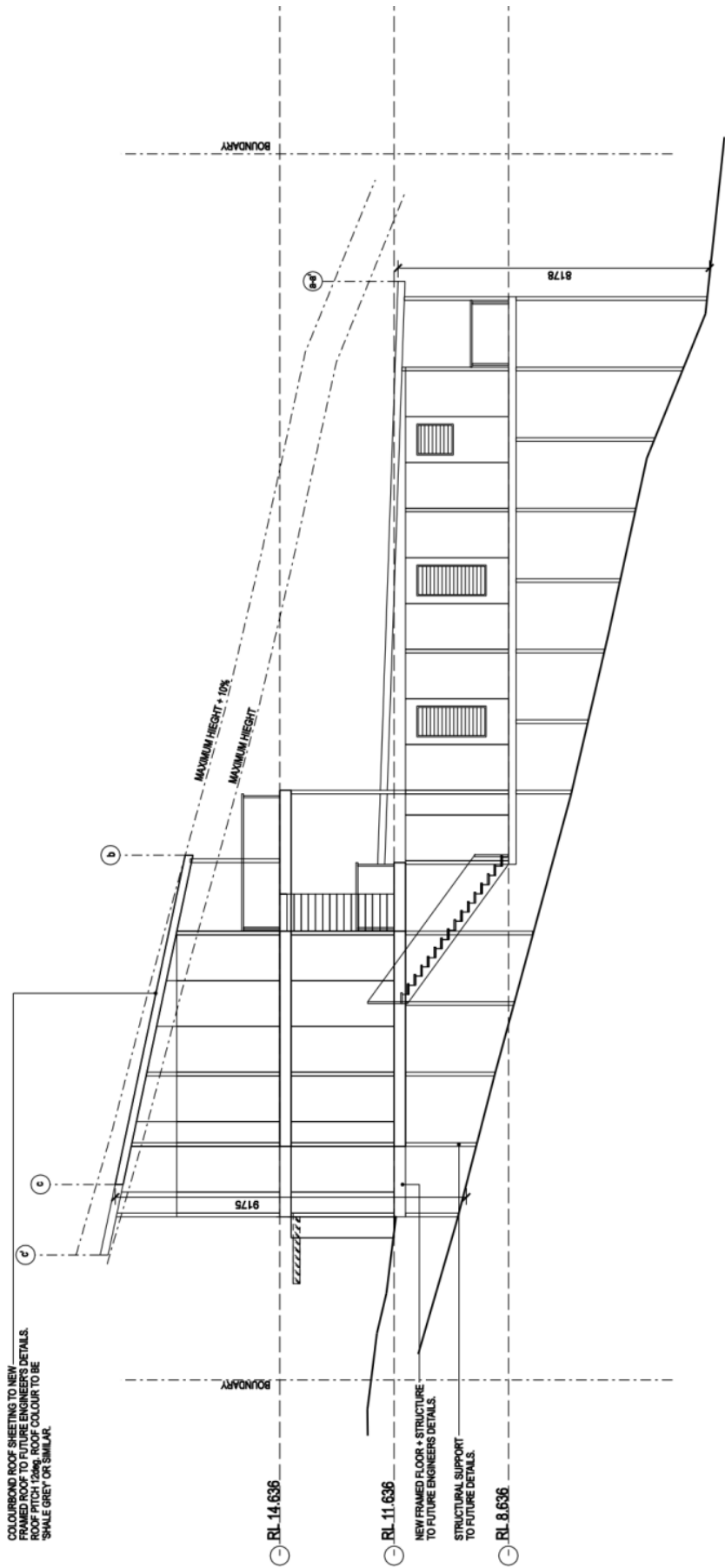
LEGEND

- CFT CERAMIC FLOOR TILE
- DP DOWNPIPE
- EX EXISTING FLOOR LEVEL
- FL FLOOR
- RL REDUCED LEVEL
- S SINK
- SH SHOWER
- TFB TIMBER FLOOR BOARDS
- WC WATER CLOSET



PROJECT DETAILS				SOUTH ELEVATION - 1:100			
TITLE	MULTI-HOUSE DEVELOPMENT						
CLIENT	PHILIP POSE						
PROJECT ADDRESS	5 GRAY STREET PORT MACQUARIE			07/01/20	B	ADDITIONAL INFORMATION	
SITE DETAILS	LOT 22 DP 982600			14.11.19	A	DATE	ISSUE
							NOTES





Developer Charges - Estimate

Applicants Name: MAAPHouse
 Property Address: 5 Gray Street, Port Macquarie
 Lot & Dp: Lot(s):22,DP(s):38266
 Development: Multi Dwelling Housing Including Clause 4.6 Objection to Clause 4.3 (Height of Buildings) Under the Port Macquarie



Water and Sewerage Headworks Levies are levied under S64 of the LGA Act & S306 of the Water Management Act 2000.
 Other contributions are levied under Section 7.11 of the Environmental Planning and Assessment Act and Council's Contribution Plans.

Levy Area	Units	Cost	Estimate
1 Water Supply	0.8	\$10,296.00 Per ET	\$8,236.80
2 Sewerage Scheme Port Macquarie	1.25	\$3,906.00 Per ET	\$4,882.50
3 Since 1.7.04 - Major Roads - Port Macquarie - Per ET	1.01	\$7,718.00 Per ET	\$7,795.10
4 Since 31.7.18 - Open Space - Port Macquarie - Per ET	1.01	\$5,686.00 Per ET	\$5,742.80
5 Commenced 3 April 2006 - Com, Cul and Em Services CP - Port Macquarie	1.01	\$4,669.00 Per ET	\$4,715.60
6 Com 1.3.07 - Administration Building - All areas	1.01	\$919.00 Per ET	\$928.10
7 N/A			
8 N/A			
9 N/A			
10 N/A			
11 N/A			
12 N/A			
13 N/A			
14 N/A			
15 Admin General Levy - Applicable to Consents approved after 11/2/03	2.2% S94 Contribution		\$421.90
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$32,722.80

NOTES: These contribution rates apply to new development and should be used as a guide only.
 Contributions will be determined in conjunction with a Development Application (DA) or Complying Development Application (CDA).
 DAs will be subject to the contributions plans in force at the time of issue of the Consent and for CDCs at time of lodgement.
 Contribution Rates are adjusted quarterly in line with the CPI.

DATE OF ESTIMATE: 18-Feb-2020

Estimate Prepared By Beau Spry

This is an ESTIMATE ONLY - NOT for Payment Purposes

\\AAPHouse, 5 Gray Street, Port Macquarie, 18-Feb-2020.xls

PORT MACQUARIE-HASTINGS COUNCIL



BUSH FIRE THREAT ASSESSMENT REPORT

Lot 22 in DP 38266

5 Grey Street
PORT MACQUARIE

PREPARED BY
**TATTERSALL LANDER
PTY LTD**
DEVELOPMENT CONSULTANTS
July 2019

DEVELOPMENT CONSULTANTS IN ENGINEERING, SURVEYING AND PLANNING



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2 Bourke Street, RAYMOND TERRACE 2324 **All mail to:** PO Box 54
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Executive Summary

This Bush Fire Threat Assessment has been prepared for a development (units) at 5 Grey Street, Port Macquarie, in the Port Macquarie – Hastings Local Government Area – Lot 22 in DP 38266.

The proposed development shall be permissible based on construction of the proposal to BAL-29 AS3959.



1.0 INTRODUCTION

Tattersall Lander Pty Ltd has been commissioned to undertake a Bush Fire Threat Assessment for a proposed development at 5 Gray Street, Port Macquarie in the Port Macquarie-Hastings Local Government Area (LGA). The property is identified as Lot 22 in DP 38266.

This Bush Fire Threat Assessment is based upon the guidelines as defined in the document, *Planning for Bush Fire Protection Guidelines 2006*, which has been written by the *NSW Rural Fire Service*. This assessment outlines the risk posed from bush fire, and hence identifies the constraints with regard to bush fire, thereby providing direction to the proposed development, and ultimately assessing the acceptability or otherwise of the development.

This report has been prepared by myself (Ben Folbigg); I have a Diploma in Planning for Bush Fire Protection and am BPAD (Bushfire Planning and Design) accredited (Level 2) with the FPAA (Fire Protection Association Australia).



Figure 1 – Site Location

2.0 METHODOLOGY

This assessment is conducted entirely in accordance with the guidelines, as outlined in *Planning for Bush Fire Protection* (NSW Rural Fire Service) 2019 (PBP) as an *Alternate Assessment*.



This assessment:

- identifies the slope and aspect of the property;
- identifies all vegetation categories within 140 metres of the site;
- determines the bush fire attack category which applies to the site;
- identifies Asset Protection Zones/Setbacks;
- identifies the bush fire construction level required in relation to the above for the proposed development (*AS 3959-2009*)

3.0 SITE DESCRIPTION

The subject site is a residential allotment with an area of approximately 600 square metres. The site is currently vacant, having recently had an existing dwelling removed. The topography of the site is sloping with the slope being towards the north. There is no vegetation of significance on the site.

An aerial photograph of the site and surrounds are included in the appendices. Photographs of the site and surrounds are also included with the approximate location and direction of these photographs indicated on the aerial photographs. It is to be noted that the aerial photograph was taken prior to removal of the dwelling and is therefore not entirely accurate and also the vegetation to the east is not depicted accurately on this aerial photograph.

The site is located in the Port Macquarie-Hastings LGA, which is located in the North Coast Fire Area and therefore is afforded a Fire Danger Index (FDI) rating of 80.

4.0 THE PROPOSAL

The proposal is for the construction of a set of three units. Plans of the proposal were being considered at the time of preparing this report and the floor plan has been attached. It is noted that the plans are subject to change, however, the footprint of the development shall remain the same and therefore the proposed setbacks shall also remain unchanged. The plan used for assessment is included in the appendices.

Due to the fact that the assessment has been prepared using *PBP 2018*, it is an alternate solution assessment and must therefore be referred to the NSW Rural Fire Service.



5.0 SITE ANALYSIS

5.1 Northern Aspect

The northern aspect presents 3.7 metres between the proposed development and the northern most boundary. Beyond the northern most boundary there is a well-defined access track which presents an effective asset protection zone and this is followed by a riparian zone (Wrights Creek). The vegetation within this riparian zone has a width of approximately 25 metres and is comprised of a narrow area of low weedy and inundated vegetation and a single row of trees which are predominantly Casuarinas with some Eucalypts. The vegetation is best classified as freshwater wetland and is separated from the proposed development by 6 metres at the minimum. It is to be noted that during King tides, this creek will have a degree of salinity. The effective slope under the vegetation is in the upslope/flat category.

5.2 Southern Aspect

The southern aspect presents residential properties with managed lawns and gardens for more than 140 metres. There is no requirement for a slope assessment or asset protection zone to the south.

5.3 Eastern Aspect

The eastern aspect presents 1 metre between the proposed development and the eastern most property boundary. To the east of the eastern most property boundary, there is a vacant lot and this vacant lot contains a small parcel of vegetation. The vegetation to the east has an area of approximately 500 square metres and is classified as rainforest due to this small area. The vegetation to the east is separated from the proposed development by approximately 13 metres. The slope under this vegetation with regard to fire run towards the proposed development is in the upslope/flat category.

5.4 Western Aspect

The western aspect presents residential properties with managed lawns and gardens for more than 140 metres. There is no requirement for a slope assessment or asset protection zone to the west.



6.0 SITE ANALYSIS

Table 1 – Asset Protection Zones and Construction Level Requirements as per AS3959-2009

Aspect	Vegetation Classification	Slope (degrees)	Under Vegetation	Existing Asset Protection Zone (metres)	BAL Requirement
North	Freshwater wetlands	Upslope/Flat		6	BAL-29
South	N/A	N/A		>140	BAL-Low
East	Rainforest	Upslope/flat		13	BAL-29
West	N/A	N/A		>140	BAL-Low



7.0 Services

7.1 Water

The subject site is connected to the reticulated town water supply and the necessary fire hydrants are located within Gray Street.

7.2 Electrical

Electrical supply is overhead, however, there is sufficient clearance between the power lines and vegetation so that the power lines do not represent a bush fire threat.

7.3 Gas

Reticulated gas is not available to the site. Any bottled gas installed on the site shall be undertaken so that it is compliant with PBP, and this includes:

- Installation and maintenance is to be in accordance with *AS1596* as well as the requirements of any other relevant authority.
- Any and all fixed gas cylinders are to be kept clear of all flammable materials by a minimum distance of 10 metres and shielded on the hazard side of the installation.
- If gas cylinders are required to be kept close to the building, release valves are to be directed away from the building and a minimum of 2 metres from any combustible material.
- All connections to and from gas cylinders are to be metal.
- Polymer sheathed flexible gas supply lines to gas metres are not to be used.

8.0 ACCESS

8.1 Road Capacity

The site is accessed via Gray Street which is a bitumen sealed road capable of carrying fully laden fire fighting vehicles.

8.2 Road Linkages to Fire Trails

There are no fire trails on the site and given the size and nature of the site, no fire trails are considered necessary.



8.3 Emergency Access/Egress

In the event of a bush fire emergency, access and egress will be via Gray Street which is a bitumen sealed, two way through road. This access/egress is considered acceptable.

9.0 DISCUSSION and RECOMMENDATIONS

The proposal is for the construction of a set of three units. There is vegetation which is considered significant to the north and east. The vegetation to the north is freshwater wetland (although at times of king tides this would be a partly saline environment). The vegetation to the east is rainforest due to it being less than 1 hectare and also with a potential fire run towards the development of significantly less than 50 metres.

The proposal is to be constructed to BAL-29 AS3959.

10.0 CONCLUSION

This bush fire threat assessment has been prepared for a proposed unit development at 5 Gray Street in Port Macquarie (lot 22 in DP 38266). This assessment is an alternate assessment due to the fact that it is using *PBP 2018* as opposed to the current *PBP 2006*.

The proposal is considered compliant in all regards based on construction being undertaken to BAL-29 and the entire site being managed as an asset protection zone.

11.0 DISCLAIMER

All effort has been made to ensure the accuracy of this report, however, it is noted that bush fires can be unpredictable and this report in no way implies that any part of the proposed development is totally safe from fire.

Additionally it is noted that despite the site details at the time of writing this report, the situation may change; factors resulting in change to bush fire hazard include (but are not limited to) vegetation regrowth and improper maintenance of asset protection Zones.

No responsibility is accepted or implied for damage to, or loss of, life and/or property at any time resulting from bush fire or bush fire related issues (or any other factors) on this site.

Appendix A: Aerial Photograph







Appendix B:

Photographs



Photograph 1



Photograph 2



Photograph 3



Photograph 4



Photograph 5

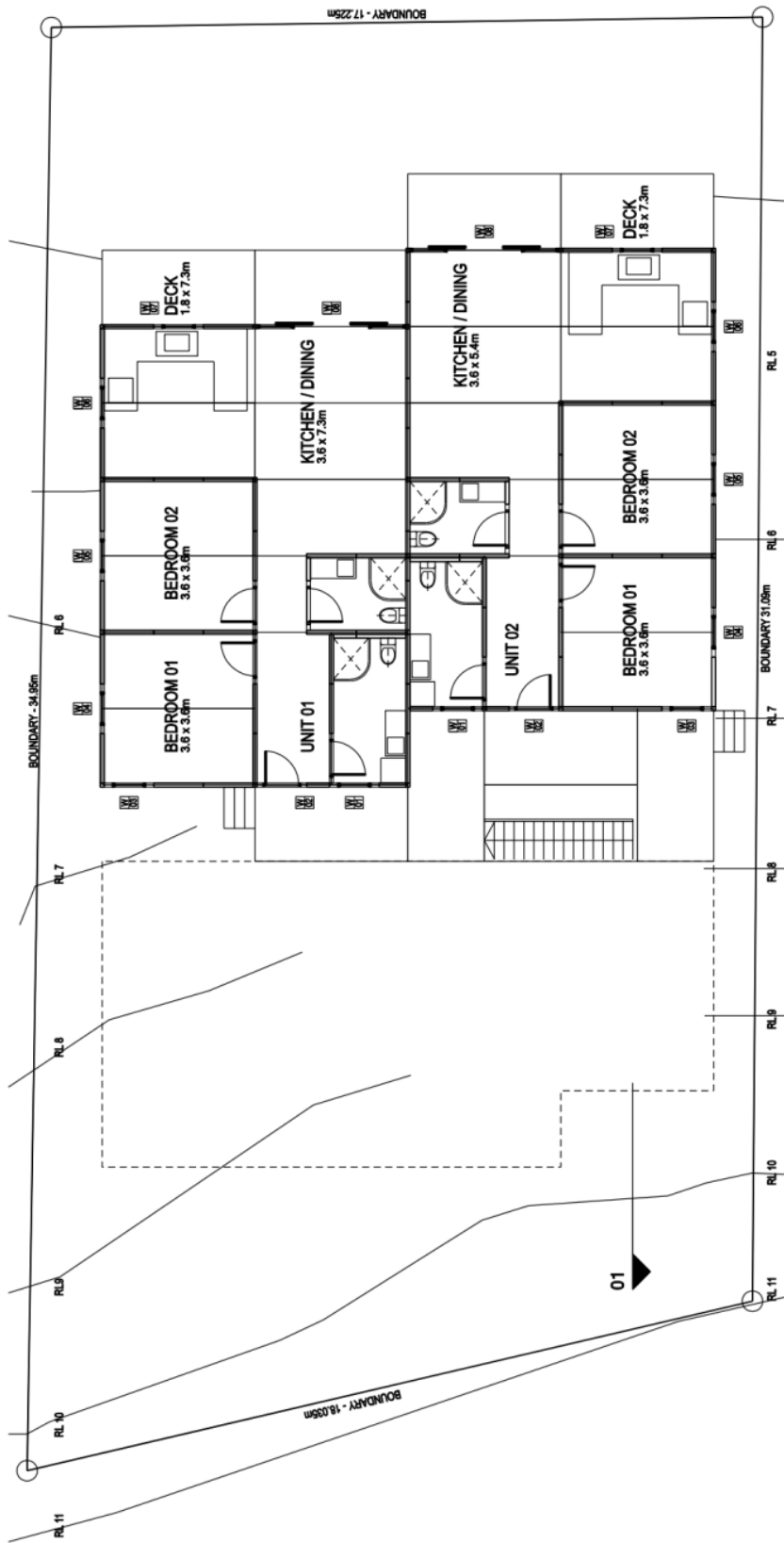


Photograph 6



Appendix C:

Plan



LOWER FLOOR PLAN - 1:100

GENERAL NOTES

DRAWINGS FOR DEVELOPMENT APPLICATION PURPOSES ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION. REFER TO BASIC CONSTRUCTION DETAILS LISTED ON DWG. MAAP06.DA10 FOR DETAILS OF COMMON WEATHER PROTECTORS. NEW DOWNPIPES TO BE CONNECTED TO NEW SUB-FLOOR RAINWATER TANK OVERFLOW TO CONNECT INTO EXISTING STORMWATER LINES.



MODULAR
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PANEL

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LEGEND

- CFT CERAMIC FLOOR TILE
- DP DOWNPIPE
- EX EXISTING FLOOR LEVEL
- FL FLOOR LEVEL
- RL REDUCED LEVEL
- S SINK
- SH SHOWER
- TFB TIMBER FLOOR BOARDS
- WC WATER CLOSET



MAAP06.DA02

PROJECT DETAILS		MULTI-HOUSE DEVELOPMENT	
TITLE		PHEIP POSE	
CLIENT			
PROJECT ADDRESS	5 GRAY STREET PORT MACQUARIE		
SITE DETAILS	LUT 22 DP 96260		
		NORTH	
		DATE	ISSUE
		22/01/19	A
		DATE	ISSUE
		22/01/19	A
		DATE	ISSUE
		22/01/19	A
		DATE	ISSUE
		22/01/19	A

LOWER FLOOR PLAN - 1:100

a

Item: 07**Subject: DA2019 - 608.1 - STAGED CHILDCARE CENTRE AND MANAGER'S
RESIDENCE AT LOT 46 DP 1230717, SEASIDE DRIVE LAKE CATHIE****Report Author: Development Assessment Planner, Beau Spry**

Applicant:	John Stevens C/- Collins W Collins Pty Ltd
Owner:	Lake Cathie Little Learners Pty Ltd
Estimated Cost:	\$1,800,000
Parcel no:	68221

Alignment with Delivery Program

4.3.1 Undertake transparent and efficient development assessment in accordance with relevant legislation.

RECOMMENDATION

That DA 2019-608.1 for a Staged Childcare Centre and Manager's Residence at Lot 46, DP 1230717, Seaside Drive Lake Cathie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a Staged Childcare Centre and Manager's Residence at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, one (1) submission was received.

The proposal has been amended during the assessment of the application with the following key changes made:

- Carparking;
- Acoustic treatment of plant and equipment;
- Landscaping.

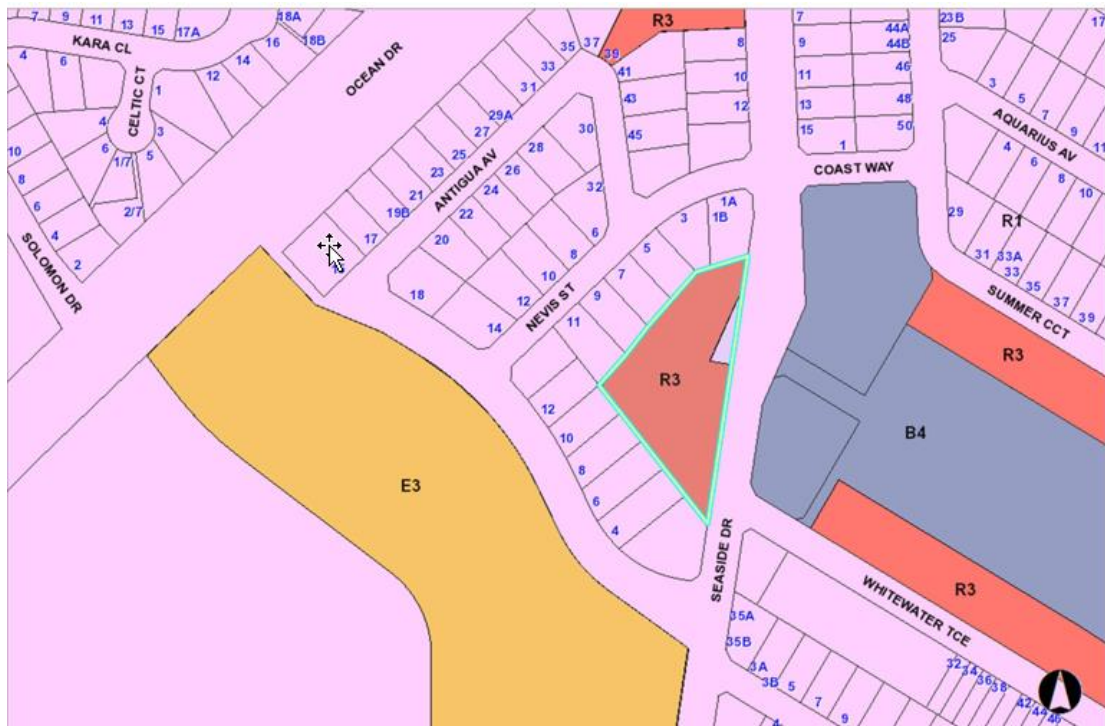
The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact.

This report recommends that the development application be approved subject to the attached conditions.

1. BACKGROUND**Existing Sites Features and Surrounding Development**

The site has an area of 5164.25m².

The site is zoned R3 Medium Density Residential and part R1 General residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



The existing subdivision pattern and location of existing development within the locality is shown in the following aerial photograph:



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Stage 1 - Establishment of Childcare Centre
- Stage 2 - Establishment of Managers Residence and multi purpose room.

Refer to Attachment 2 at the end of this report for plans of the proposed development.

Application Chronology

- 23 August 2019 - Application lodged with Council
- 2 October 2019 - Submission received
- 9 October 2019 - Site inspection
- 16 October 2019 - Additional information requested
- 4 December 2019 - Additional information received
- 21 December 2019 - Further additional information requested
- 30 January 2020 - Additional Information received

3. STATUTORY ASSESSMENT

Section 4.15(1) Matters for Consideration

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

(a) The provisions (where applicable) of:

(i) Any Environmental Planning Instrument

State Environmental Planning Policy No. 44 - Koala Habitat Protection

The site is subject to the adopted Lake Cathie-Bonny Hills (Area 14) Koala Plan of Management. No tree removal is proposed and the proposal is consistent with the adopted plan of management.

State Environmental Planning Policy No. 55 – Remediation of Land

Following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

State Environmental Planning Policy No. 64 – Advertising and Signage

The proposed development includes proposed signage in the form of business/building identification signage comprising one (1) wall sign.

In accordance with clause 7, this SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

The following assessment table provides an assessment checklist against the Schedule 1 requirements of this SEPP:

Applicable clauses for consideration	Comments	Satisfactory
Clause 8(a) Consistent with objectives of the policy as set out in Clause 3(1)(a).	The proposed signage is considered to be compatible with the existing and future character of the locality. Proposal is considered consistent with the objectives of the SEPP.	Yes
Schedule 1(1) Character of the area.	In assessing signage and compatibility with character of an area, elements such as scale and any amenity impacts should be considered. In this case the proposal is consistent with the established character of the area. Similar scale signage is anticipated in the adjacent B4 zone and potential amenity impacts (such as illumination) can be appropriately managed via conditions.	Yes
Schedule 1(2) Special areas.	The proposed signage does not detract from any areas of environmental or cultural importance. There are no such areas in direct proximity to the subject land.	Yes
Schedule 1(3) Views and vistas.	The proposed signage does not obscure or compromise important views, dominate the skyline or reduce the quality of any views or vistas.	Yes

	The proposed signage has no impact on existing signage in close proximity to the site.	
Schedule 1(4) Streetscape, setting or landscape.	The proposed wall signage sits below the height of the proposed building and is integrated into the building design and does not result in advertising clutter. The signage is considered to be acceptable in terms of scale, height, and appearance, and is compatible with the streetscape setting.	Yes
Schedule 1(5) Site and building.	The business identification sign has been designed and integrated with the building and is considered to be acceptable in terms of scale, height, and appearance. The proposed signage is not considered to detract from important features of the site, proposed building or surrounding development. The location of the proposed signage is considered suitable for the proposed use.	Yes
Schedule 1(6) Associated devices and logos with advertisements and advertising structures.	The proposal includes signage, which is intended to ultimately include logos and symbols representing the facility and services offered.	Yes
Schedule 1(7) Illumination.	Low impact lighting is proposed to illuminate the signage at night. These signs will be required to be illuminated at appropriate LUX levels so as to ensure that the signage will not result in unacceptable glare. The proposed illuminated signage is not considered likely to provide a significant safety concern for pedestrians, vehicles or aircraft. Illumination is not expected to detract from the amenity of the residential areas which are predominantly located to the west/behind the building and thus shielded. Condition recommended requiring lighting to comply with AS4282 - <i>Control of the obtrusive effects of outdoor lighting</i> .	Yes
Schedule 1(7) Safety.	The proposed signage is integrated into the building design and would not result in the obstruction of sight lines from public areas. It is not considered likely to reduce road safety for pedestrians, cyclists or any vehicles utilising a public road.	Yes

The SEPP (EE&CCF) 2017 commenced on 1 September 2017, and therefore the provisions of the SEPP and Child Care Planning Guideline apply are required to be addressed.

The following table provides an assessment against the requirements of this SEPP:

PART 3 EARLY EDUCATION AND CARE FACILITIES – SPECIFIC DEVELOPMENT CONTROLS	
Provision	Proposal
<p>5 Interpretation</p> <p>centre-based child care facility means:</p> <p>(a) <i>a building or place used for the education and care of children that provides any one or more of the following:</i></p> <p>(i) <i>long day care,</i></p> <p>(ii) <i>occasional child care,</i></p> <p>(iii) <i>out-of-school-hours care (including vacation care),</i></p> <p>(iv) <i>preschool care, or</i></p> <p>(b) <i>an approved family day care venue (within the meaning of the <u>Children (Education and Care Services) National Law (NSW)</u>), but does not include:</i></p> <p>(c) <i>a building or place used for home-based child care or school-based child care, or</i></p> <p>(d) <i>an office of a family day care service (within the meanings of the <u>Children (Education and Care Services) National Law (NSW)</u>), or</i></p> <p>(e) <i>a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or</i></p> <p>(f) <i>a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or</i></p> <p>(g) <i>a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or</i></p> <p>(h) <i>a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.</i></p> <p>Regulation 107 – Education and Care Services National Regulations</p> <p><i>Unencumbered indoor space excludes any of the following:</i></p> <ul style="list-style-type: none"> <i>passageway or thoroughfare (including door</i> 	<p>The proposal is a centre-based child care facility in terms of the adopted definitions.</p> <p><u>Re: Regulation 107</u> Regulation 107 relates to indoor space and requires the childcare centre to provide 3.25m² of unencumbered indoor space for each child being educated and cared for at the centre. Based on the identified 125 children, this proposal requires 406.25m² of unencumbered area. The area calculations have shown that the centre will provide a total of 642m² of unencumbered indoor area for the children being educated and cared for at this centre. Therefore the proposal complies with the requirements of Regulation 107.</p> <p><u>Re: Regulation 108</u> Regulation 108 relates to outdoor unencumbered space and requires the childcare centre to provide 7m² per child. Based on the proposed 125 place centre, a total of 875m² of outdoor space is required. The area calculations shown on the plan set state that a total of 885m² of unencumbered outdoor area</p>

<p><i>swings) used for circulation</i></p> <ul style="list-style-type: none"> • <i>toilet and hygiene facilities</i> • <i>nappy changing area or area for preparing bottles</i> • <i>area permanently set aside for the use or storage of cots</i> • <i>area permanently set aside for storage</i> • <i>area or room for staff or administration</i> • <i>kitchens, unless the kitchen is designed to be used predominately by the children as part of an educational program e.g. a learning kitchen</i> • <i>on-site laundry</i> • <i>other space that is not suitable for children.</i> <p><i>Note: All unencumbered indoor spaces must be provided as a secure area for children. The design of these spaces should consider the safe supervision of children.</i></p> <p>Regulation 108 Education and Care Services National Regulations</p> <p><i>Unencumbered outdoor space excludes any of the following:</i></p> <ul style="list-style-type: none"> • <i>pathway or thoroughfare, except where used by children as part of the education and care program</i> • <i>car parking area</i> • <i>storage shed or other storage area</i> • <i>laundry</i> • <i>other space that is not suitable for children.</i> 	<p>will be provided for the children being educated and cared for at this centre. Therefore the proposal complies with the requirements of Regulation 108.</p>
<p>22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development</p> <p><i>(1) This clause applies to development for the purpose of a centre-based child care facility if:</i></p> <p><i>(a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or < ie 3.25sqm per child></i></p> <p><i>(b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations. < ie 7sqm per child></i></p> <p><i>(4) In determining whether to grant or refuse concurrence, the Regulatory Authority is to consider any requirements applicable to the proposed development under the Children (Education and Care Services) National Law (NSW).</i></p>	<p>N/A</p>
<p>23 Centre-based child care facility—matters for consideration by consent authorities</p>	<p>An assessment of the proposal against the Child Care Planning Guideline is</p>

<i>Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.</i>	provided in the table below.
24 Centre-based child care facility in Zone IN1 or IN2—additional matters for consideration by consent authorities	N/A
<p>25 Centre-based child care facility—non-discretionary development standards</p> <p>(1) <i>The object of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.</i></p> <p>(2) <i>The following are non-discretionary development standards for the purposes of section 79C (2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility:</i></p> <p>(a) <i>location—the development may be located at any distance from an existing or proposed early education and care facility,</i></p> <p>(b) <i>indoor or outdoor space</i></p> <p style="padding-left: 20px;">(i) <i>for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or</i></p> <p style="padding-left: 20px;">(ii) <i>for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,</i></p> <p>(c) <i>site area and site dimensions - the development may be located on a site of any size and have any length of street frontage or any allotment depth,</i></p> <p>(d) <i>colour of building materials or shade structures—the development may be of any colour or colour scheme unless it is a State or</i></p>	<p>2(a) Noted.</p> <p>2(b) Complies. Refer to Section 5 above demonstrating proposed compliance against Regulation 107 and 108.</p> <p>2(c) Noted</p> <p>2(d) Noted</p> <p>3(a) Noted</p>

<p><i>local heritage item or in a heritage conservation area.</i></p> <p>(3) <i>To remove doubt, this clause does not prevent a consent authority from:</i></p> <p><i>(a) refusing a development application in relation to a matter not specified in subclause (2), or</i></p> <p><i>(b) granting development consent even though any standard specified in subclause (2) is not complied with.</i></p>	3(b) Noted
<p>26 Centre-based child care facility—development control plans</p> <p>(1) <i>A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:</i></p> <p><i>(a) operational or management plans or arrangements (including hours of operation),</i></p> <p><i>(b) demonstrated need or demand for child care services,</i></p> <p><i>(c) proximity of facility to other early childhood education and care facilities,</i></p> <p><i>(d) any matter relating to development for the purpose of a centre-based child care facility contained in:</i></p> <p><i>(i) the design principles set out in Part 2 of the Child Care Planning Guideline, or</i></p> <p><i>(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).</i></p> <p>(2) <i>This clause applies regardless of when the development control plan was made.</i></p>	<p>N/A - no issues in DCP requiring consideration in regards to inconsistency with the SEPP.</p> <p>The proposal complies with building height, side and rear setbacks and car parking rates required by Councils DCP.</p>
27 Mobile child care—exempt development	N/A
28 Emergency relocation of early education and care facility—exempt development	N/A
29 Home-based child care—exempt development	N/A
31 Out-of-school hours care at existing universities—complying development	N/A
32 Out-of-school hours care at existing TAFE establishments—complying development	N/A

CHILD CARE PLANNING GUIDELINE (AUGUST 2017)**Matter for Consideration/ Requirement****Proposal****CHAPTER 2 DESIGN QUALITY PRINCIPLES**

<p>Principle 1 – Context</p> <p><i>Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</i></p> <p><i>Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.</i></p> <p><i>Well-designed child care facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.</i></p>	<p>The application is for a new child care centre with proposed student numbers of 125.</p> <p>The proposal is within a newly developing area with the building design having satisfactory regard to the primarily one and two storey developments within the existing surrounding residential estate.</p> <p>The building is oriented to the north-east and situated in such a way to capture satisfactory natural light and minimise noise disturbance to adjoining properties.</p>
<p>Principle 2 – Built Form</p> <p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area.</i></p> <p><i>Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures.</i></p> <p><i>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</i></p> <p><i>Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.</i></p>	<p>The built form satisfactorily references the bulk and scale of the existing surrounding residential estate and is a design that references the surrounding character.</p> <p>The building is oriented to the north-east and situated in such a way to capture satisfactory natural light. Both the indoor and outdoor areas provide ample opportunity for children's' recreation.</p>
<p>Principle 3 – Adaptive Learning Spaces</p> <p><i>Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces fit-out.</i></p>	<p>The site and the building provides high quality learning spaces and amenity for children.</p> <p>There is a mix of learning spaces to cater different students and different modes of learning.</p>

<p><i>Good design achieves a mix of inclusive learning spaces to cater for all students and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.</i></p>	
<p>Principle 4 – Sustainability</p> <p><i>Sustainable design combines positive environmental, social and economic outcomes.</i></p> <p><i>This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</i></p> <p><i>Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.</i></p>	<p>The building is oriented to the north-east. This provides ample opportunity for natural ventilation, passive thermal design and sun penetration.</p> <p>Multiple door and window openings are provided in the northern façade.</p> <p>The use of energy efficient materials and fitout is to the long term benefit of the operator, reducing operational costs for the centre.</p>
<p>Principle 5 – Landscape</p> <p><i>Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</i></p> <p><i>Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity.</i></p> <p><i>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</i></p>	<p>A satisfactory concept landscape plan has been submitted. The plan indicates multilayered perimeter landscaping of predominantly native species, including semi-mature plantings. A number of existing street trees are also to be retained.</p> <p>Direct views over the boundary fences into the centre premises would be limited by perimeter plantings. One street tree is nominated for removal. A replacement tree is recommended as a condition of consent, should the application be approved.</p>
<p>Principle 6 – Amenity</p> <p><i>Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff.</i></p> <p><i>Good amenity combines appropriate and efficient</i></p>	<p>The building design, orientation and connection between indoor/outdoor spaces facilitates the amenity of the children, staff and parents.</p> <p>The various indoor and outdoor spaces throughout the</p>

<p><i>indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility.</i></p> <p><i>Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.</i></p>	<p>facility provide for comfortable, diverse and attractive spaces for learning and socialisation.</p>
<p>Principle 7 – Safety</p> <p><i>Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.</i></p> <p><i>Good child care facility design balances safety and security with the need to create a welcoming and accessible environment. It provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community. Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).</i></p>	<p>Connectivity between the indoor and outdoor areas is via large slider doorways.</p> <p>The entry is clearly defined and accessed via a hinged door with security keypad.</p> <p>Within the curtilage of the centre, the building is separated from the carpark by a retaining wall and fence 1.8m high black powder-coated 'kidsafe' tubular fence.</p> <p>The hours of operation are proposed to be 6:30am - 6:30pm Monday to Friday and staff will be on site during those times. The 24hr onsite managers residence will also provide a degree of continued surveillance.</p> <p>The site is located in a central location within an establishing residential subdivision. It is situated fronting the main entry/exit road for the subdivision with the open spaces fronting Seaside Drive.</p>

CHAPTER 3 MATTERS FOR CONSIDERATION

Provision	Proposal
3.1 Site selection and location p9-10	
<p>C1 Zone Objectives</p> <p><i>For proposed developments in or adjacent to a residential zone, consider:</i></p> <ul style="list-style-type: none"> <i>the acoustic and privacy impacts of the proposed development on the residential properties</i> <i>the setbacks and siting of buildings within the residential context</i> <i>traffic and parking impacts of the proposal</i> 	<p>The site is zoned primarily R3 medium density residential and a small part R1 General Residential. The objectives of the zone are:</p> <ul style="list-style-type: none"> <i>To provide for the housing needs of the community.</i> <i>To provide for a variety of housing types and densities.</i> <i>To enable other land uses that</i>

<p><i>on residential amenity.</i></p> <p><i>For proposed developments in public or private recreation zones, consider:</i></p> <ul style="list-style-type: none"> <i>• the compatibility of the proposal with the operations and nature of the community or private recreational facilities</i> <i>• if the existing premises is licensed for alcohol or gambling</i> <i>• if the use requires permanent or casual occupation of the premises or site</i> <i>• the availability of onsite parking</i> <i>• compatibility of proposed hours of operation with surrounding uses, particularly residential uses</i> <i>• the availability of appropriate and dedicated sanitation facilities for the development.</i> 	<p><i>provide facilities or services to meet the day to day needs of residents.</i></p> <p>The development of a centre-based child care centre in the R3 and R1 zone is not antipathetic to the objectives of the zone.</p> <p>In terms of the three environmental impacts listed:</p> <ul style="list-style-type: none"> <i>• the acoustic and privacy impacts of the proposed development on the residential properties.</i> <p>Comment: An acoustic assessment has been submitted as part of the application. The report indicates that the proposal can sufficiently mitigate acoustic impacts on neighbouring residential properties subject to complying to proposed design recommendations. An appropriate condition of consent is recommended. Perimeters are also typically screened by a mix of acoustic fencing and multilayered native plantings.</p> <ul style="list-style-type: none"> <i>• the setbacks and siting of buildings within the residential context.</i> <p>Comment: The proposal is typically setback from neighbouring residential properties by a minimum of 3m. Perimeters are also typically screened by a mix of multilayered native plantings which will improve the visual privacy and perceived separation of the uses, as well as soften the interface.</p> <ul style="list-style-type: none"> <i>• traffic and parking impacts of the proposal on residential amenity.</i> <p>Comment: A traffic impact assessment has been submitted as part of the application. This assessment has provided a number of</p>
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	<p>recommendations which can be incorporated into the consent, should it be granted. The onsite parking is visually obvious, entrances are clearly rationalised and sidelines are able to be maintained both within and on approach/exit of the site. The entry and exit points are proposed to connect to an existing collector road - Seaside Drive - in a suitable location to minimise potential for adverse impacts to neighbouring residential properties.</p>
<p>C2 Site Selection</p> <p><i>When selecting a site, ensure that:</i></p> <ul style="list-style-type: none"> • <i>the location and surrounding uses are compatible with the proposed development or use</i> • <i>the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards</i> • <i>there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed</i> • <i>the characteristics of the site are suitable for the scale and type of development proposed having regard to:</i> <ul style="list-style-type: none"> - <i>size of street frontage, lot configuration, dimensions and overall size</i> - <i>number of shared boundaries with residential properties</i> - <i>the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas</i> • <i>where the proposal is to occupy or retrofit an existing premise, the interior and exterior spaces are suitable for the proposed use</i> • <i>there are suitable drop off and pick up areas, and off and on street parking</i> • <i>the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use</i> • <i>it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs,</i> 	<p>The proposal is permissible within the zones, is of an appropriate scale and form for the locality and is not incompatible with the site or neighbouring uses. The site is environmentally safe and bushfire risks are able to be mitigated.</p>

<i>cellar door premises and sex services premises.</i>	
<p>C3 Site Location</p> <p><i>A child care facility should be located:</i></p> <ul style="list-style-type: none"> • <i>near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship</i> • <i>near or within employment areas, town centres, business centres, shops</i> • <i>with access to public transport including rail, buses, ferries</i> • <i>in areas with pedestrian connectivity to the local community, businesses, shops, services and the like.</i> 	<p>The proposal is located within the centre of the developing Area 15 Lake Cathie/Bonny Hills locality.</p> <p>The locality is situated at the intersection of the primary commercial hub associated with the developing residential subdivision and is in proximity to a school, open space areas and employment areas / town centres.</p> <p>Pedestrian connectivity and public transport is available within the locality.</p>
<p>C4 Environmental Risks</p> <p><i>A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</i></p> <ul style="list-style-type: none"> • <i>proximity to:</i> <ul style="list-style-type: none"> - <i>heavy or hazardous industry, waste transfer depots or landfill sites</i> - <i>LPG tanks or service stations</i> - <i>water cooling and water warming systems</i> - <i>odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses</i> - <i>extractive industries, intensive agriculture, agricultural spraying activities</i> • <i>any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site.</i> 	<p>The site is not located in proximity to any industrial or known hazardous location.</p>
<p>3.2 Local Character, streetscape and the public domain interface p11-12</p>	
<p>C5 Local character and streetscape</p> <p><i>The proposed development should:</i></p> <ul style="list-style-type: none"> • <i>contribute to the local area by being designed in character with the locality and existing streetscape</i> • <i>reflect the predominant form of surrounding land uses, particularly in low density residential areas</i> • <i>recognise predominant streetscape qualities, such as building form, scale, materials and colours</i> • <i>include design and architectural treatments that respond to and integrate</i> 	<p>The site has a maximum building height of 11.5 with adjoining residential zones having a maximum height of 8.5m. The proposed design is consistent with the single- and two-storey character of the locality. The roof features and mix of single and two storey buildings reference the existing residential character of this locality.</p> <p>The curtilage of the building is separated from the car park by suitable fence and landscaping. The</p>

<p><i>with the existing streetscape</i></p> <ul style="list-style-type: none"> • <i>use landscaping to positively contribute to the streetscape and neighbouring amenity</i> • <i>integrate car parking into the building and site landscaping design in residential areas.</i> 	<p>street frontages and site peripheries are buffered by a mix of multilayered landscaping.</p>
<p>C6 Separation/transition with public spaces</p> <p><i>Create a threshold with a clear transition between public and private realms, including:</i></p> <ul style="list-style-type: none"> • <i>fencing to ensure safety for children entering and leaving the facility</i> • <i>windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community</i> • <i>integrating existing and proposed landscaping with fencing.</i> 	<p>There is a clear threshold between the public and private areas achieved via a mix of site design, landscaping and fencing.</p> <p>The public space (i.e. the car park) is separated from the centre proper via a 1.8m high fence and integrated landscape elements. The fencing is visually permeable and the building contains multiple windows and openings facing the carpark/street allowing ample passive surveillance.</p>
<p>C7 Legibility of Site</p> <p><i>On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</i></p>	<p>The site is clearly legible from Seaside Drive. The legibility of the carpark and the facility entrance is clearly defined and highlighted by gated access, landscaping and pathway access.</p>
<p>C8 Adjoining public parks, open space or bushland</p> <p><i>Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</i></p> <ul style="list-style-type: none"> • <i>clearly defined street access, pedestrian paths and building entries</i> • <i>low fences and planting which delineate communal/ private open space from adjoining public open space</i> • <i>minimal use of blank walls and high fences.</i> 	<p>N/A</p>
<p>C9 Fronts and retaining – character of the area</p> <p><i>Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in</i></p>	<p>The northern part of the site has a fence fronting Seaside Drive as part of the Community Garden Courtyard area. This fencing is approx. 1.8m 'kidsafe' secure fencing and integrated with landscape elements. The fencing is visually permeable.</p>

<i>accordance with local heritage provisions.</i>	
C10 Fencing – Noisy or Classified Roads	N/A
3.3 Building orientation, envelope and design p12-14	
C11 Orientation of development <i>Orient a development on a site and design the building layout to:</i> <ul style="list-style-type: none"> • <i>ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by:</i> <ul style="list-style-type: none"> - <i>facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties</i> - <i>placing play equipment away from common boundaries with residential properties</i> - <i>locating outdoor play areas away from residential dwellings and other sensitive uses</i> • <i>optimise solar access to internal and external play areas</i> • <i>avoid overshadowing of adjoining residential properties</i> • <i>minimise cut and fill</i> • <i>ensure buildings along the street frontage define the street by facing it</i> • <i>ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.</i> 	<p>The proposed building is well sited and oriented in terms of its location. The centre is located towards the south and west boundaries with good access to the north for solar access and sun penetration to both the indoor and outdoor spaces.</p> <p>There is no visual privacy matters with neighbours to the south or west. The orientation also avoids overlooking neighbouring residential areas, and will not adversely impact on overshadowing of neighbouring properties. Acoustic fencing and screen planting along each of the side boundaries (south, west and north) will improve visual privacy in each direction (into and out of the site).</p>
C12 Scale of development – local context <i>The following matters may be considered to minimise the impacts of the proposal on local character:</i> <ul style="list-style-type: none"> • <i>building height should be consistent with other buildings in the locality</i> • <i>building height should respond to the scale and character of the street</i> • <i>setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility</i> • <i>setbacks should provide adequate access for building maintenance</i> • <i>setbacks to the street should be consistent with the existing character.</i> 	<p>The building height is consistent with the locality and is below the permitted building height for the subject land. The setbacks are varied and provide for adequate access for building maintenance and are consistent with the character of this locality.</p>
C13 Street Setbacks <i>Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of</i>	<p>The building is consistent with the setbacks within this locality as per the provisions of DCP 2013. The guidelines note the setbacks consistent with other street setbacks. It is noted that this proposal has a street setback greater than the</p>

<p><i>the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.</i></p>	<p>residential properties in this locality.</p>
<p>C14 Side and Rear Boundary Setbacks</p> <p><i>On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</i></p>	<p>As above.</p>
<p>C15 Built Form - Local Area Character</p> <p><i>The built form of the development should contribute to the character of the local area, including how it:</i></p> <ul style="list-style-type: none"> <i>• respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage</i> <i>• contributes to the identity of the place</i> <i>• retains and reinforces existing built form and vegetation where significant</i> <i>• considers heritage within the local neighbourhood including identified heritage items and conservation areas</i> <i>• responds to its natural environment including local landscape setting and climate</i> <i>• contributes to the identity of place.</i> 	<p>Discussion on built form and local area character addressed previously.</p> <p>The built form references the residential locality as does the variety of building materials. The proposal is well articulated on site and clearly references the street.</p> <p>There are no heritage items in the vicinity.</p>
<p>C16 Safe Environments</p> <p><i>Entry to the facility should be limited to one secure point which is:</i></p> <ul style="list-style-type: none"> <i>• located to allow ease of access, particularly for pedestrians</i> <i>• directly accessible from the street where possible • directly visible from the street frontage</i> <i>• easily monitored through natural or camera surveillance</i> <i>• not accessed through an outdoor play area.</i> <i>• in a mixed-use development, clearly defined and separate from entrances to other uses in the building.</i> 	<p>The entry to the child care centre is a clearly identifiable secure point with good pedestrian access, and has good passive surveillance. The entrance is not accessible through an outdoor play area.</p>
<p>C17 Accessibility</p> <p><i>Accessible design can be achieved by:</i></p> <ul style="list-style-type: none"> <i>• providing accessibility to and within the building in accordance with all relevant legislation</i> <i>• linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between</i> 	<p>The proposal has clearly legible and accessible pedestrian access to, from and within the carpark and facility.</p> <p>Any development of the site is to address the relevant standards which can be addressed as part of the Construction Certificate process.</p>

<p><i>all car parking areas and the main building entry</i></p> <ul style="list-style-type: none"> <i>providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible</i> <i>minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. NOTE: The National Construction Code, the Discrimination Disability Act 1992 and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.</i> 	
3.4 Landscaping p15	
<p>C18 Landscape Design</p> <p><i>Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by:</i></p> <ul style="list-style-type: none"> <i>reflecting and reinforcing the local context</i> <i>incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping.</i> 	<p>A satisfactory landscape concept plan prepared by a landscape architect has been submitted with the application.</p> <p>The landscaping will provide for the use of natural appearing features and safe play environments. The carpark area has been landscaped to provide visual softening whilst maintaining the safe movement of pedestrians and vehicles and clear legibility.</p>
<p>C19 Landscaping – car parking</p> <p><i>Incorporate car parking into the landscape design of the site by:</i></p> <ul style="list-style-type: none"> <i>planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings</i> <i>taking into account streetscape, local character and context when siting car parking areas within the front setback</i> <i>using low level landscaping to soften and screen parking areas.</i> 	<p>See above.</p>
3.5 Visual and Acoustic Privacy p15-16	
<p>C20 Privacy and Security of children</p> <p><i>Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.</i></p>	<p>N/A</p>
<p>C21 Privacy - Indoor and Outdoor Areas</p> <p><i>Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</i></p>	<p>Addressed previously. The proposal provides for periphery screen landscaping comprised of multilayer natives. Public areas cannot directly overlook the outdoor play spaces, as</p>

<ul style="list-style-type: none"> • appropriate site and building layout • suitably locating pathways, windows and doors • permanent screening and landscape design. 	<p>the design has incorporated appropriate screening and landscaping features.</p>
<p>C22 Visual Privacy</p> <p><i>Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</i></p> <ul style="list-style-type: none"> • appropriate site and building layout • suitable location of pathways, windows and doors • landscape design and screening. 	<p>Addressed previously.</p>
<p>C23 Acoustic Privacy</p> <p><i>A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:</i></p> <ul style="list-style-type: none"> • provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence). • ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure. 	<p>Addressed previously. An acoustic assessment has been submitted as part of the application. The report indicates that the proposal can sufficiently mitigate acoustic impacts on neighbouring residential properties subject to complying to proposed designs. Acoustic fencing is proposed.</p>
<p>C24 Acoustic Assessment</p> <p><i>A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</i></p> <ul style="list-style-type: none"> • identify an appropriate noise level for a child care facility located in residential and other zones • determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use • determine the appropriate height of any acoustic fence to enable the noise criteria to be met. 	<p>Addressed previously. An acoustic assessment has been submitted as part of the application. The report indicates that the proposal can sufficiently mitigate acoustic impacts on neighbouring residential properties subject to complying to proposed designs requirements.</p>
<p>3.6 Noise and air pollution p17</p>	
<p>C25 Outside Noise Levels</p> <p><i>Adopt design solutions to minimise the impacts of noise, such as:</i></p> <ul style="list-style-type: none"> • creating physical separation between buildings and the noise source • orienting the facility perpendicular to the noise source and where possible buffered 	<p>An acoustic assessment has been submitted as part of the application. Adjoining potential noise sources are private residential dwellings of low density and traffic. The noise arising from these adjoining landuses is not expected to adversely impact on the child care centre. The majority of the</p>

<p><i>by other uses</i></p> <ul style="list-style-type: none"> • <i>using landscaping to reduce the perception of noise</i> • <i>limiting the number and size of openings facing noise sources</i> • <i>using double or acoustic glazing, acoustic louvers or enclosed balconies (wintergardens)</i> • <i>using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits</i> • <i>locating cot rooms, sleeping areas and play areas away from external noise sources.</i> 	<p>child care centre rooms are setback from the nearest road, which is a residential street. The traffic noise is not expected to adversely impact on the use of classroom areas or the outdoor recreation spaces. No mitigation measures are considered necessary.</p>
<p>C26 Noise Levels – Sleeping Areas</p> <p><i>An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</i></p> <ul style="list-style-type: none"> - <i>on industrial zoned land</i> - <i>where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000</i> - <i>along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007</i> - <i>on a major or busy road</i> - <i>other land that is impacted by substantial external noise.</i> 	<p>As above.</p>
<p>C27 Noise Impacts – External Sources</p> <p><i>Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development</i></p>	<p>No external noise sources that require noise attenuation measures.</p>
<p>C28 Air Quality Assessment</p> <p><i>A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines.</i></p>	<p>The proposal is located in an existing developing residential estate and not located in an area which is adversely impacted by external sources of air pollution, including industrial development.</p>
<p>3.7 Hours of operation p18</p>	
<p>C29 Amenity of Neighbouring Residential Developments</p> <p><i>Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to</i></p>	<p>The proposed hours of operation are 6:30am to 6:30pm Monday to Friday.</p> <p>A condition of consent is proposed to permit hours of operation no earlier than 7am and no later than 6:30pm</p>

<p><i>7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.</i></p>	<p>in response to the existing context and in part to the acoustic concerns raised in the submission received.</p>
<p>C30 Mixed use and Commercial Areas</p>	<p>N/A</p>
<p>3.8 Traffic, parking and pedestrian circulation p18-19</p>	
<p>C31 Off-street Car Parking</p> <p><i>Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</i></p> <p><i>Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates:</i></p> <p><i>Within 400 metres of a metropolitan train station:</i></p> <ul style="list-style-type: none"> • 1 space per 10 children • 1 space per 2 staff. Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space. <p><i>In other areas:</i></p> <ul style="list-style-type: none"> • 1 space per 4 children. <p><i>A reduction in car parking rates may be considered where:</i></p> <ul style="list-style-type: none"> • the proposal is an adaptive re-use of a heritage item • the site is in a B8 Metropolitan Zone or other high density business or residential zone • the site is in proximity to high frequency and well-connected public transport • the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks) • there is sufficient on street parking available at appropriate times within proximity of the site. 	<p>Carparking complies with PMHC DCP 2013 requirements.</p>
<p>C32 Commercial, Industrial, Mixed Use Zones</p>	<p>N/A</p>
<p>C33 Traffic and Parking Assessment</p> <p><i>A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</i></p> <ul style="list-style-type: none"> • the amenity of the surrounding area will not be affected 	<p>A Traffic Impact Assessment has been provided as part of the application. The assessment concludes that the traffic impacts generated are in keeping with the ongoing development of the area.</p> <p>Council's Development Engineer's comments are provided in the s4.15 assessment below.</p>

<ul style="list-style-type: none"> there will be no impacts on the safe operation of the surrounding road network. 	No adverse impacts to the existing amenity of the locality identified.
<p>C34 Access to site - Vehicles</p> <p>Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> a classified road roads which carry freight traffic or transport dangerous goods or hazardous materials. The alternate access must have regard to: the prevailing traffic conditions pedestrian and vehicle safety including bicycle movements the likely impact of the development on traffic. 	N/A
<p>C35 Narrows Road and Cul-de-sac</p> <p>Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p>	N/A
<p>C36 Access to the site – Pedestrians</p> <p>The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> separate pedestrian access from the car park to the facility defined pedestrian crossings included within large car parking areas separate pedestrian and vehicle entries from the street for parents, children and visitors pedestrian paths that enable two prams to pass each other delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities in commercial or industrial zones and mixed use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas vehicles can enter and leave the site in a forward direction. 	<p>The proposal has been designed with safe and practical pedestrian movements, and adequately addressed the provisions.</p> <p>Pedestrian areas are adequately separated from traffic area. Loading areas are located away from main pedestrian access zones.</p>
<p>C37 Access to the site – Mixed Use Developments</p>	N/A
<p>C38 Car Parking Design</p> <p>Car parking design should:</p>	The building entrance and play areas are to be separated from the car park area.

<ul style="list-style-type: none"> • <i>include a child safe fence to separate car parking areas from the building entrance and play areas</i> • <i>provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards</i> • <i>include wheelchair and pram accessible parking.</i> 	<p>No children will be able to leave the facility except through the main access gate. Accessible parking space is provided, well located close to the entry gate. No pram accessible parking is nominated on the plans.</p>
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State Environmental Planning Policy (Coastal Management) 2018

The site is not located within a coastal use area / coastal environment area.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX certificate (1056653S) has been submitted demonstrating that the proposed caretakers residence will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

State Environmental Planning Policy (Infrastructure) 2007

The development does not trigger any of the traffic generating development thresholds of Clause 104. Referral to the NSW Roads and Maritime Services (RMS) is not required.

The proposed development addresses relevant clauses in the SEPP and is unlikely to create any conflict in terms of traffic or noise.

Port Macquarie-Hastings Local Environmental Plan 2011

The proposal is consistent with the LEP having regard to the following:

- Clause 2.2 - The subject site is zoned R3 Medium Density Residential and part R1 General residential.
- Clause 2.3(1) and the R3 and R1 zone landuse tables - The proposed development for childcare centre and manager's residence is a permissible landuse with consent.

The objectives of the R3 zone are as follows:

- To provide for the housing needs of the community within a medium density residential environment;
- To provide a variety of housing types within a medium density residential environment;
- To enable other land uses that provide facilities or services to meet the day to day needs of residents;

The objectives of the R3 zone are as follows:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

In accordance with Clause 2.3(2), the proposal is consistent with the zone objectives having regard to the following:

- the proposal is a permissible landuse;
 - the proposed childcare centre will provide a facility and service that will meet the day to day needs of existing and future residents of the immediate Caterina and Seawide Estate neighbourhoods;
 - The proposed development will provide a business/community use that will serve the needs of people who live and work in the neighbourhood.
- Clause 4.3 - The maximum overall height of the building above ground level (existing) is 7.82m, which complies with the standard height limit of 11.5m applying to the site.
 - Clause 4.4 - The floor space ratio of the proposal is 0.33:1 which complies with the maximum 1.50:1 floor space ratio applying to the site.
 - Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
 - Clause 7.9 - Development subject to acoustic controls mapping. No adverse noise impacts can be identified from Ocean Drive to require any specific mitigation measures to the dwelling or childcare centre.
 - Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply sewer infrastructure, stormwater drainage and suitable road access to service the development.

(ii) Any draft instruments that apply to the site or are on exhibition:

No draft instruments apply to the site.

(iii) Any Development Control Plan in force

Port Macquarie-Hastings Development Control Plan 2013

<i>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development</i>			
	Requirements	Proposed	Complies
3.2.2.2	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> • Min. 6.0m classified road • Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot • Min. 3.0m secondary road Min. 2.0m Laneway 	Minimum 7.4m front setback to managers residence from Seaside Drive.	Yes
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> • Ground floor = min. 0.9m • First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min. 	First floor minimum 3m setback from western boundary.	Yes

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development

	Requirements	Proposed	Complies
	<ul style="list-style-type: none"> Building wall set in and out every 12m by 0.5m 		
3.2.2.6	35m ² min. private open space area including a useable 4x4m min. area, which has 5% max. Grade and directly accessible from ground floor living area.	<p>Proposed manager's residence is located on the second floor level and has a private open space of approximately 44m² on the balcony and is therefore considered acceptable for the proposed use.</p> <p>The on-site manager will provide 24/7 surveillance of the premises generally. It should be noted that the manager's residence is considered ancillary to the primary use of the site.</p>	Yes
3.2.2.10	<p>Privacy:</p> <ul style="list-style-type: none"> Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m 	<p>Privacy adequately addressed through building design, landscape design and separation.</p> <p>Primary living spaces located on the ground floor, with site boundaries fenced at 1.8m high and site landscaping proposed.</p>	Yes

DCP 2013: General Provisions

	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime	The site is located in a central location with in a rapidly establishing residential subdivision.	Yes

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
	Prevention Through Environmental Design guideline	<p>It is situated fronting the main entry/exit road for the subdivision with design of the proposal centrally located to Seaside Drive.</p> <p>The facility will have controlled access and good opportunity for casual surveillance.</p> <p>The 24hr onsite managers residence will also provide a degree of continued surveillance.</p>	
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	The development proposes bearer and joist construction with minimal cut and fill required. Changes in ground levels are less than 1m change.	Yes
2.3.3.2	1m max. height retaining walls along road frontage	None proposed.	N/A
	Any retaining wall >1.0 in height to be certified by structure engineer	The site does not require a substantial amount of cut/fill or retaining. There are some retaining walls proposed, predominantly <1m in height which will require engineering certification as detailed on the plans.	Yes
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	No retaining wall front fence combination proposed.	N/A
2.3.3.8	Removal of hollow bearing trees	None proposed to be removed	N/A
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	1x established street tree is proposed to be removed for provision of driveway. Condition recommended to relocate elsewhere along the frontage.	Yes
2.4.3	Bushfire risk, Acid sulphate soils,	Address within the relevant section of the SEPP and this report.	Bushfire report and

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
	Flooding, Contamination, Airspace protection, Noise and Stormwater		RFS referral
2.5.3.2	New accesses not permitted from arterial or distributor roads	N/A	N/A
	Driveway crossing/s	2x new driveway crossings proposed.	Yes
2.5.3.3	Parking for child care centre: 1 space per 4 children	<p>Proposal includes: Childcare Centre: 125 children Residence: 1x</p> <p>Therefore, parking requirements are: Childcare Centre: 31.25 (32) Residence: 1 Total Required: 33 spaces</p> <p>The overall parking demand of the development is therefore 33 spaces.</p> <p>The submitted revised plans identifies 33 parking spaces, including a disabled space, and is compliant with the parking requirements.</p>	Yes - condition recommended to restrict number of children.
2.5.3.11	Section 94 contributions	Refer to main body of report.	Yes
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Addressed previously.	N/A
2.5.3.14	Sealed driveway surfaces unless justified	Driveway and carpark proposed to be sealed.	Yes
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Driveway grades capable of meeting Council standard driveway crossover requirements.	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Parking layout design satisfactory.	Yes

- (iiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

None prescribed.

- iv) Any matters prescribed by the Regulations

None prescribed.

- (b) The likely impacts of that development, including environmental impacts on both the natural and built environments, social and economic impacts in the locality:

Context and Setting:

The site has a general north-easterly street frontage orientation to Seaside Drive. The site is located within an establishing residential subdivision and will eventually be surrounded by similar residential uses. Adjoining the site to the north, south, and west are further R1 General Residential zoned premises, to the east is a mix of B4 Mixed Use and further R3 Medium Density Residential.

- The proposal will not have any significant adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.
- The proposal is considered to be sufficiently compatible with other residential development in the locality and adequately addresses planning controls for the area.
- The proposal does not have a significant adverse impact on existing view sharing.
- The proposal does not have significant adverse lighting impacts.
- There are no significant adverse privacy impacts. Adequate building separation, orientation and layout in response to the context is provided.
- There are no significant adverse overshadowing impacts. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June between the hours of 9am and 3pm.

Roads

The site has road frontage to Seaside Drive, which is a public road under the care and control of Council. Seaside Drive is a Collector, road with a Road Formation Width of 9m, and a layback kerb to the development side of the road. There is a formal bus-stop located in the middle of the development site.

Traffic and Transport

The application includes a Traffic Impact Assessment from Street Wise Road Safety and Traffic Services dated 9/8/2019.

Recommendations of the study determined:

- *The proposed development provide two separate driveway access with entry to the site via the southern access and exiting form the site via the northern access.*
- *Standard regulatory signage is to be installed at the accesses to advise users of the traffic flow arrangements.*
- *Landscaping adjacent to the driveway accesses is to attain and be maintained to a maximum height of 0.60m to minimise sight distance conflicts*

with oncoming traffic and pedestrians walking along the footpath fronting the site.

The application has been reviewed by Council's Engineering staff and deemed acceptable subject to conditions relating to traffic, transport and access as recommended. Due to the type of development, car park circulation is required to enable vehicles to enter and exit the site in a forward manner. Site plans show adequate area is available and conditions have been imposed to reflect these requirements

Site Frontage & Access

Vehicle access to the site is proposed through individual driveways for entry and exit manoeuvres to Seaside Drive. Access shall comply with Council AUSPEC and Australian Standards, and conditions have been imposed to reflect these requirements.

Parking and Manoeuvring

A total of 33 parking spaces (including 1 disabled spaces) have been provided on-site. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been imposed to reflect these requirements.

Due to the type of development, car park circulation is required to enable vehicles to enter and exit the site in a forward manner. Site plans show adequate area is available and conditions have been imposed to reflect these requirements.

Water Supply Connection

Council records indicate that the development site has an existing 20mm sealed water service from the 150PVC main on the opposite side of Seaside Drive. Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements in accordance with AS3500. Plans to indicate reclaimed main within the area to be utilised, plans to be provided for review and approval.

A Council owned 450dn water trunk main traverses the proposed site to the east, the main should be accurately located and details provided on Engineering Plans. Location of the trunk main to be also included on the proposed driveway long section. It should be noted the water main is currently being upgraded and relocated closer to the kerb. There is an existing easement located over the 450dn water main which is to remain in place. No structures to be placed on the trunk main.

Sewer Connection

Council records indicate that the proposed development can discharge all sewage to the existing manhole to the south of the proposed development site, plans to be provided for review and approval.

Stormwater

The site naturally grades towards the rear and is currently serviced via an existing interallotment drainage system.

The legal point of discharge for the proposed development is defined as a direct connection to the existing interallotment drainage system servicing the site.

A detailed site stormwater management plan will be required to be submitted for assessment with the S.68 application and prior to the issue of a Construction Certificate. In accordance with Councils AUSPEC requirements, the following must be incorporated into the stormwater drainage plan:

- On site stormwater detention
- Water quality controls

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

Following a site inspection and a search of Council records, no known items of Aboriginal or European heritage significance exist on the property. No adverse impacts anticipated.

Other land resources

The site is within an established urban context and will not sterilise any significant mineral or agricultural resource.

Water cycle

The proposed development will not have any significant adverse impacts on water resources and the water cycle.

Soils

The proposed development will not have any significant adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to a standard condition requiring erosion and sediment controls to be in place prior to and during construction.

Air and microclimate

The construction and/or operations of the proposed development will not result in any significant adverse impacts on the existing air quality or result in any pollution. Standard precautionary site management condition recommended.

Flora and fauna

Construction of the proposed development will not require any removal/clearing of any native vegetation and therefore does not trigger the biodiversity offsets scheme. Part 7 of the Biodiversity Conservation Act 2016 is considered to be satisfied.

Waste

Satisfactory arrangements are in place for proposed storage and collection of waste and recyclables. Private garbage collection are required and an appropriate condition is recommended. No adverse impacts anticipated. Standard precautionary site management condition recommended.

Energy

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of BASIX or Section J of the Building Code of Australia. No adverse impacts anticipated.

Noise and vibration

The construction and/or operations of the proposed development will not result in any significant adverse impacts on the existing air quality or result in any pollution. Standard precautionary site management condition recommended. An acoustic

report accompanied the application and was reviewed by Councils Environmental Health staff and deemed acceptable subject to conditions restricting the hours of operation.

Bushfire

The site is identified as being bushfire prone.

In accordance with Section 100B - *Rural Fires Act 1997* - the application proposes subdivision of bush fire prone land that could lawfully be used for residential purposes. As a result, the applicant has submitted a bushfire report prepared by a Certified Consultant. The report was forwarded to the NSW Rural Fire Service who have since issued a Bushfire Safety Authority, which will be incorporated into the consent.

Safety, security and crime prevention

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. The proposal will improve natural surveillance within the locality and openings overlook common and private areas from both the manager's residence and childcare centre.

Social impacts in the locality

Given the nature of the proposed development and its location the proposal is not considered to have any significant adverse social impacts. The provision of childcare services within the community is considered to be of social benefit.

Economic impact in the locality

The proposal is not considered to have any significant adverse economic impacts on the locality. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area.

Site design and internal design

The proposed development design satisfactorily responds to the site attributes and will fit into the locality.

Construction

Construction impacts are considered capable of being managed, standard construction and site management conditions have been recommended.

Cumulative Impacts

The proposed development is not considered to have any significant adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

(c) The suitability of the site for the development

The proposal will fit into the locality and the site attributes are conducive to the proposed development.

Site constraints have been adequately addressed and appropriate conditions of consent recommended.

(d) Any submissions made in accordance with this Act or the Regulations

One (1) written submission was received following public exhibition of the application. A copy of the written submission have been provided separately to members of the DAP.

Key issues raised in the submission received and comments are provided as follows:

Submission Issue/Summary	Planning Comment/Response
Landscaping, including façade screening.	Updated plans have been provided including a concept landscape plan. These concept landscape plans illustrate multi-layered landscaping along the western and southern boundaries which will screen these facades from the residential zones.
Deliveries	Council's Environmental Health Officer has reviewed the application and provided the following condition related to deliveries: F196 restricting garbage collection and deliveries to only occur between 7am to 9pm.
Parking provisions for childcare and managers residence.	Revised plans demonstrating adequate parking for both the childcare and the separate managers residence have been provided. The proposal requires 32x spaces for the childcare centre and 1x space for the managers residence. A total of 33 spaces are available on site.
Impact of Council easement along eastern property boundary	There is an easement in place over a 450dn water trunk main located along the eastern boundary. Council engineers have reviewed the application. Condition B196 requires the existing easement to remain in place. Disruptions to this service, while not expected to be frequent, would impact any proposal on this site and can be dealt with on a case by case basis.
No anticipated number of staff provided?	The proposal is assessed on student numbers rather than staff numbers. The facility will have to comply with relevant legislation/regulations for their staff numbers. Parking calculations take into account both student and potential staff numbers.
Concerns related to the bulk and scale of the building. The scale of the building at the rear is not considered consistent with the adjoining residential development. Large, blank facade (>12m in length) with limited architectural features or activation.	The site is zoned R3 Medium Density Residential with a permissible height of building (HOB) of 11.5m and a permissible floor space ratio (FSR) of 1.50:1. The proposal has a height of 7.82m and a floor space ratio of 0.33:1, both significantly under what is permissible on the site. The proposal is also setback 3m along western and southern boundaries with multilayered landscaping provided in these spaces to break up the appearance of bulk.
Concern that the entrance is not readily identifiable.	The entrance is clearly defined to the north of the proposal. It will be highlighted by its articulation, signage and statement landscaping.
Concern that no Crime Prevention Through Environmental Design	Principles of CPTED have been imbued in the design.

Submission Issue/Summary	Planning Comment/Response
(CPTED) assessment has been provided.	
Concerns related to garbage and bin storage.	Councils Waste Services team have reviewed the proposal. Garbage is proposed to be stored in the general waste area detailed on the plans. Condition F013 requires all garbage areas to be screened from public view, and condition E076(h) requires private garbage collection service to be in place.
Concerns related to traffic	Council engineers have reviewed the proposal and have concluded that no adverse impacts will result from the proposal subject to conditions. The following conditions propose related to traffic: E030 - requires hard paving and clear line marking of carpark areas; B003, B053 and E036 - requires carpark areas to be designed and certified to AS2890; E197 - entry and exit to be clearly signposted for circulation and the exit signposted for left-turn only.
Managers Residence, including need and provision of Private Open Space	The Managers residence or a single dwelling is permissible as part of the zoning and the proposal. Adequate private open space (POS) is contained on the Managers Residence balcony.
Concerns around acoustic impacts.	An Acoustic Report has been provided as part of amended plans. This report has been reviewed by Council Environmental Officer and deemed acceptable subject to conditions restricting the hours of operation. Conditions B195 and E196 requires acoustic fencing to be installed as per the details set out in the Acoustic Report prior to issue of a Construction Certificate. The fence is to be certified by a suitably qualified professional prior to issue of an Occupation Certificate.

(e) The Public Interest

The proposed development satisfies relevant planning controls and will not adversely impact on the wider public interest.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions will be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- Development contributions will be required in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.
-
- A copy of the contributions estimate is included as Attachment 3.

- There is a contributions credit for the existing residential lot which is greater than 2000m² in size.

5. CONCLUSION AND STATEMENT OF REASON

The application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

Attachments

- 1 [↓](#). DA2019 - 608.1 Recommended Conditions
- 2 [↓](#). DA2019 - 608.1 RFS Response and Conditions
- 3 [↓](#). DA2019 - 608.1 Contributions Estimate
- 4 [↓](#). DA2019 - 608.1 Plans
- 5 [↓](#). DA2019 - 608.1 Staging Plan
- 6 [↓](#). DA2019 - 608.1 Landscape Concept Plans
- 7 [↓](#). DA2019 - 608.1 Acoustic Report
- 8 [↓](#). DA2019 - 608.1 Bushfire Hazard Assessment

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2019/608****DATE: 17/02/2020****PRESCRIBED CONDITIONS**

The development is to be undertaken in accordance with the prescribed conditions of Part 6 - Division 8A of the *Environmental Planning & Assessment Regulations 2000*.

A

A – GENERAL MATTERS

- (1) (A001) The development is to be carried out in accordance with the plans and supporting documents set out in the following table, as stamped and returned with this consent, except where modified by any conditions of this consent.

Plan / Supporting Document	Reference	Prepared by	Date
Development Plans	DWG: D4155; Revision U; Sheets 1-12	Collins W Collins	13/11/19
Staging Plan	DWG: D4155; LOT: 46 DP: 1230717, Seaside Drive LAKE CATHIE	Collins W Collins	7/11/19
Landscape Concept Plan	LOT: 46 DP: 1230717, Seaside Drive LAKE CATHIE; Sheets 1-3	In-Site Landscape Design	29/7/19
BASIX	1056653S; LOT: 46 DP: 1230717, Seaside Drive LAKE CATHIE	Collins W Collins	8/11/19
RFS response and Conditions	D19/3005 - DA19090420289 BS	RFS	8/10/19
Lake Cathie Childcare Centre - Acoustic Report	1910 Lake Cathie Child Care Acoustic Report Version: Final	Pulse Acoustic Consultancy	3/12/19
Bushfire Hazard Assessment	LOT: 46 DP: 1230717, Seaside Drive LAKE CATHIE	David Pensini	16/08/19

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

- (2) (A002) No building work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority; and
 - the date on which work will commence.
- Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
- (3) (A006) Approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council.
- (4) (A007) The development must only proceed in accordance with the approved stages as set out below:

- Stage 1 - Childcare Centre
- Stage 2 - Ancillary Managers Residence and Multi-Purpose Room (MPR)

Unless specified, the conditions of this consent will apply to all stages, with any decision on any discrepancy with conditions and associated staging resting with Council.

- (5) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (6) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 2. Appropriate dust control measures;
 3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
 4. Building waste is to be managed via appropriate receptacles into separate waste streams;
 5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
 6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidays
- The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.

- (7) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (8) (A013) The general terms of approval from the following authorities, as referred to in section 4.50 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
- **NSW Rural Fire Service** - The General Terms of Approval, Reference D19/3005 and dated 8 October 2019 are attached and form part of this consent.
- (9) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (10) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
- a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

Such security is to be provided to Council prior to the issue of the Subdivision Certificate/Construction Certificate or Section 138 of the Roads Act, 1993.

The security is to be for such reasonable amount as is determined by the consent authority, being an amount that is 10% of the contracted works for Torrens Title subdivision development/the estimated cost plus 30% for building development of public works or \$5000, whichever is the greater of carrying out the development by way of:

- i. deposit with the Council, or
- ii. an unconditional bank guarantee in favour of the Council.

The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. Should Council have to call up the bond and the repair costs exceed the bond amount, a separate invoice will be issued. If no application is made to the Council for a refund of any balance remaining of the security within 6 years after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

- (11) (A062) The applicant shall submit to Port Macquarie-Hastings Council plans for the management of trade waste including pre treatment facilities to the sewerage authority for approval pursuant to Section 68 of the Local Government Act. Upon approval the proponent shall enter into a written "Trade Waste Agreement" with Council prior to discharging wastes.
- (12) (A072) The street tree impacted by the driveway shall be removed and reinstated to a position agreed to by Port Macquarie-Hastings Council. The position of the relocated tree shall be clearly shown on the plans

accompanying the section 138 application. The relocated tree shall be cared for and maintained for a period of at least 12 months. If relocation is unsuccessful a new tree of the same species and size shall be planted in a suitable location in front of the property.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
 - Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
 1. Sewerage reticulation.
 2. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.
 3. Stormwater systems.
 4. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASDASD 202, Port Macquarie-Hastings Council current version.
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

 - Civil works
 - Traffic management
 - Work zone areas
 - Hoardings
 - Concrete foot paving
 - Footway and gutter crossing
 - Functional vehicular access
- (4) (B010) Payment to Council, prior to the issue of the Construction Certificate of the Section 7.12 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by

Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:

- Port Macquarie-Hastings Council Section 94A Levy Contributions Plan 2007

The plans may be viewed during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.

The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.

- (5) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Construction Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
- augmentation of the town water supply headworks
 - augmentation of the town sewerage system headworks
- (6) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (7) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate. Certification that the construction of footings and piers has been carried out in accordance with the approved drawings and specifications shall be provided by a practising chartered professional civil and/or structural engineer to the Principal Certifying Authority with the application for the Section 307 - Certificate of Compliance/Occupation Certificate.
- (8) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications, Australian Rainfall and Runoff 2019, the requirements

of Relevant Australian Standards and shall make provision for the following:

- a) The legal point of discharge for the proposed development is defined as the interallotment drainage system.
 - b) The design is to be generally in accordance with the stormwater drainage concept plan on Drawing No D4155 prepared by Collins W Collins Building Designers and dated 24/01/2019.
 - c) All allotments must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted.
 - d) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 1% AEP event. Summary calculations demonstrating compliance with the above requirements for the median storm in the critical duration for the design AEP shall be submitted (20%, 5% & 1% AEP at minimum) Alternative is to submit an electronic model in DRAINS format for electronic review. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
 - e) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- (9) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6). Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
- (10) (B054) A driveway longitudinal section shall accompany the section 138 application pursuant to section 138 of the *Roads Act, 1993*. The section shall demonstrate compliance with Council's adopted AUSPEC Design and Construction Guidelines.
- (11) (B057) The existing sewer including junction and/or stormwater drainage shall be located on the site and the position and depth indicated on the plans which accompany the application for the Construction Certificate.
- (12) (B085) The location of any electricity substations are to be clearly illustrated on the Construction Certificate plans. All substations are to remain on private property unless otherwise agreed to by Port Macquarie-Hastings Council.
- (13) (B195) Council records indicate that the development site has an existing 20mm sealed water service from the 150PVC main on the opposite side of Seaside Drive. Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements in accordance with AS3500. Plans to indicate reclaimed main within the area to be utilised, plans to be provided for review and approval by Council prior to issue of the Construction Certificate.
- (14) (B196) The 450dn water trunk main traverses the proposed site to the east, the main should be accurately located and details provided on Engineering Plans. Location of the trunk main to be

also included on the proposed driveway long section prior to the issue of a Construction Certificate. It should be noted the water main is currently being upgraded and relocated closer to the kerb. There is an existing easement located over the 450dn water main which is to remain in place. No structures to be placed on the trunk main.

- (15) (B197) Council records indicate that the proposed development can discharge all sewage to the existing manhole to the south of the proposed development site, plans to be provided for review and approval by Council.
- (16) (B198) Stormwater -Total site discharge to the existing interallment drainage system must be limited to the original design capacity. For design allowances of the downstream system contact King and Campbell. Alternatively, modelling of the downstream system must be undertaken to determine available capacity, demonstrating that proposed development discharge rates maintain AUSPEC compliant flow characteristics for minor and major storm events. On-site detention will be required if the total site discharge rate exceeds the design / available capacity of the downstream system, which shall limit discharge to the design / available capacity for all storm events up to the 1% AEP.
- (17) (B199) Prior to the issuing of the Construction Certificate, details of the 1.8m perimeter fencing shall be submitted with the application for Construction Certificate. The fencing shall comply with the requirements set out in Section 6 of the Acoustic Report, being material selection and construction method that provides a minimum Rw of 20dB(A).
- (18) (B012) To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of Australian Standard 4674-2004 – “Design, Construction and Fit-Out of Food Premises”, Food Act 2003, the provisions of the Food Safety Standards Code (Australia) and the conditions of development consent. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.
- (3) (C013) Where a sewer manhole and Vertical Inspection Shaft exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures,

including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

D – DURING WORK

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:
- a. at completion of installation of erosion control measures;
 - b. at completion of installation of traffic management works;
 - c. before commencement of any filling works; and
 - d. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling.

All works at each hold point shall be certified as compliant in accordance with the requirements of AUSPEC Specifications for Provision of Public Infrastructure and any other Council approval, prior to proceeding to the next hold point.

- (3) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (4) (D195) Where on-site detention is required, prior to the issue of an Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the on-site stormwater detention facilities on the property.

The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:

- a. The Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities ("OSD").
- b. The Proprietor shall have the OSD inspected annually by a competent person.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD or which convey stormwater from the said land; and recover the costs of any such works from the proprietor.
- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD.

The proprietor or successor must bear all costs associated in the preparation of the subject 88E instrument. Evidence of registration with

the Lands and Property Information NSW shall be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (2) (E007) The owner/applicant is responsible for ensuring that any imported fill is either Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Prior to the issue of an Occupation Certificate, certification is to be provided to Council demonstrating that the fill is either VENM or ENM.
- (3) (E010) Driveways, access aisles and parking areas shall be provided with a concrete surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (4) (E027) A final site inspection relating to the works relating to the kitchen carried out on the premises shall be arranged by the applicant and shall be undertaken by Council's Environmental Health Officer.
- (5) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (6) (E034) Prior to occupation or the issuing of the Final Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (7) (E036) Certification by a suitably qualified consultant is to be submitted to the Principal Certifying Authority (PCA) confirming that the car park and internal accesses have been constructed in accordance with Port Macquarie-Hastings Development Control Plan 2013 and Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6) prior to occupation or issue of the Occupation Certificate.
- (8) (E039) An appropriately qualified and practising consultant is required to certify the following:
 - a. all drainage lines have been located within the respective easements;
 - b. any other drainage structures are located in accordance with the Construction Certificate;
 - c. all stormwater has been directed to a Council approved drainage system
 - d. all conditions of consent/ construction certificate approval have been complied with;
 - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (9) (E040) Each onsite detention system is to be marked by a plate in a prominent position which states:

"This is an onsite detention system. It is an offence to reduce the volume of the tank or basin or interfere with any part of the structure that controls the outflow".

This plate is to be fixed into position prior to occupation or the issue of the Occupation Certificate.

- (10) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (11) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of any occupation certificate.
- (12) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
 - a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services
 - c. The relocation of street lighting
 - d. The matching of new infrastructure into existing or future design infrastructure
- (13) (E196) Prior to the issuing of any Occupation Certificate or occupation of the building, whichever occurs first, a suitably qualified and practising professional shall certify that the perimeter fencing complies with the Recommendations made in Section 6 of the Acoustic Report. Certification shall be submitted to the PCA and Council.
- (14) (E197) The entry and exit driveway points are to be suitably signposted for circulation and exit to be signposted for left turn only.
- (15) (E076) The plan of subdivision and Section 88B instrument shall establish the following restrictions, easements and/or covenants; with Council having the benefit and having the sole authority to release, vary or modify each restriction, easement and/or covenant. Wherever possible the extent of the land affected by these covenants shall be defined by bearings and distances shown on the plan of subdivision.
 - a. Restriction as to user in respect of lot 46 for a private garbage service to be in place requiring the collection of all domestic waste comprising general waste (rubbish), recycling and food and garden organics by a private contractors. All wastes are to be collected as separate waste streams.

Details are to be submitted to Council prior to issue of the Subdivision Certificate.

F – OCCUPATION OF THE SITE

- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons. A total of 33 spaces are to be provided onsite.

- (2) (F003) All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- (3) (F013) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.
- (4) (F016) Offensive odours shall not be generated by the development, including the process of storing waste/bin storage areas.
- (5) (F021) All solid waste generated by the development which cannot be reused or recycled, shall be disposed of at Council's waste management facilities.
- (6) (F024) Offensive noise as defined under the Protection of the Environment Operations Act 1997, shall not be generated as a result of the operation of the development.
- (7) (F025) Hours of operation of the development are restricted to the following hours:
 - 7am to 6:30pm – Mondays to Fridays
 - No work is to be carried out on Sundays and Public Holidays
- (8) (F036) Any exterior lighting on the site shall be designed and installed so as not to cause a nuisance or adverse impact on the amenity of the surrounding area by light overspill. The lighting shall be the minimum level of illumination necessary for safe operation and must be designed, installed and used in accordance with AS 4282 control of the obtrusive effects of outdoor lighting. No flashing, moving or intermittent lighting is permitted on the site.
- (9) (F037) At no time is the intensity, period of intermittency and hours of illumination of signage to cause objectionable glare or impact on the amenity of the neighbourhood. The illuminated signage must be designed, installed and used in accordance with AS4282 control of the obtrusive effects of outdoor lighting. To this extent the signage must not flash and illumination shall cease at 8pm each night.
- (10) (F195) Where on-site detention is required, the basin of the outflow control pit and the debris screen must be cleaned of debris and sediment on a regular basis by the owner.
- (11) (F197) Garbage collection and deliveries shall only occur between 7am to 9pm.
- (12) (F004) The manager's residence is to operate ancillary to the primary function of the Day Care Centre and is approved for permanent residential use only and not for short term tourist and visitor accommodation.
- (13) (F195) The maximum number of children at the centre is restricted to 125 children at any one time.

All communications to be addressed to:

Headquarters
4 Murray Rose Ave
Sydney Olympic Park NSW 2127

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 1300 NSW RFS
e-mail: records@rfs.nsw.gov.au

Facsimile: 8741 5433



The General Manager
Port Macquarie-Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

Your Ref: 2019/608
Our Ref: D19/3005
DA19090420289 BS

ATTENTION: Beau Spry

8 October 2019

Dear Mr Spry

Integrated Development Application - 46//1230717 - Seaside Drive Lake Cathie

I refer to your correspondence dated 28 August 2019 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the 'Environmental Planning and Assessment Act 1979', and a Bush Fire Safety Authority, under Section 100B of the 'Rural Fires Act 1997', are now issued subject to the following conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

3. Internal roads shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

4. An emergency and evacuation procedure and detailed plans of all Emergency Assembly Areas (on and off-site) is to be prepared in accordance with the RFS "Guidelines for the Preparation of Emergency/Evacuation Plan" and Australian Standard (AS) 4083. The emergency evacuation plan is to be submitted to the consent authority for approval prior to the occupation certificate being issued. A copy of the approved plan shall also be provided to the Local Bush Fire Management Committee prior to occupation of the site.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

5. The childcare centre and manager's residence, shall comply with either of the following approved construction outcome choices;
 - Sections 3 (Construction General) and 5 (Construction for Bushfire Attack Level 12.5 i.e. BAL-12.5) of Australian Standard AS3959-2009 'Construction of buildings in bushfire-prone areas', or
 - The BAL-12.5 construction requirements of the 'NASH Standard - Steel Framed Construction in Bushfire Areas – 2014' (1.7.14 updated)

Compliance with section A3.7 of the Addendum Appendix 3 to 'Planning for Bush Fire Protection 2006' is also required to be achieved in concert with the above.

General Advice – consent authority to note

- The above conditions are provided following assessment by the NSW RFS after; considering all relevant legislation and by using information provided by Port Macquarie – Hastings Council, that included the following noted drawing;
 - o The plan titled "Site Plan", noted as Sheet 1 of 6, Drawing No. D4155, Issue O and dated 20/8/19

Detail contained within the referenced plan may be modified by the above noted bushfire safety authority conditions.

Council is further advised that where a minor amendment, to the above noted plans, is proposed (i.e. after this Bush Fire Safety Authority has been issued) the NSW RFS advises that Council may use its discretion to determine whether such minor amendment requires further assessment, for the reissue of a BFSA, to be undertaken by the NSW Rural Fire Service.

Should you wish to discuss this matter please contact Bradford Sellings on 1300 NSW RFS.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Alan Bawden', with a stylized 'B' and 'A'.

Alan Bawden
Team Leader - Development Assessment and Planning

For general information on bush fire protection please visit www.rfs.nsw.gov.au

Developer Charges - Estimate

Applicants Name: John Stevens
 Property Address: Seaside Drive LAKE CATHIE
 Lot & Dp: Lot(s):46 ,DP(s):1230717
 Development: Childcare Centre and Manager's Residence



Water and Sewerage Headworks Levies are levied under S64 of the LGA Act & S306 of the Water Management Act 2000.
 Other contributions are levied under Section 7.11 of the Environmental Planning and Assessment Act and Council's Contribution Plans.

Levy Area	Units	Cost	Estimate
1 Water Supply	4.913	\$10,296.00 Per ET	\$50,584.20
2 Sewerage Scheme Lake Cathie/Bonny Hills	5.313	\$3,906.00 Per ET	\$20,752.50
3 N/A			
4 N/A			
5 N/A			
6 N/A			
7 N/A			
8 N/A			
9 N/A			
10 N/A			
11 N/A			
12 N/A			
13 N/A			
14 S94A Levy - Applicable to Consents approved after 2/12/07	1.00%	\$ 1,818,636	\$18,186.00
15			
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$89,522.70

NOTES: These contribution rates apply to new development and should be used as a guide only.
 Contributions will be determined in conjunction with a Development Application (DA) or Complying Development Application (CDA).
 DAs will be subject to the contributions plans in force at the time of issue of the Consent and for CDCs at time of lodgement.
 Contribution Rates are adjusted quarterly in line with the CPI.

DATE OF ESTIMATE:

18-Feb-2020

Estimate Prepared By Beau Spry

This is an ESTIMATE ONLY - NOT for Payment Purposes

ohn Stevens , Seaside Drive LAKE CATHIE, 18-Feb-2020.xls

PORT MACQUARIE-HASTINGS COUNCIL



LOT No: 46 DP No: 1230717
STREET No: N/A
STREET NAME: SEASIDE DRIVE, LAKE CATHIE

- 1 SITE PLAN
- 2 S&B & S135 PLAN
- 3 CHILDCARE FLOOR PLAN-PT 1
- 4 GLAZING/ SUSHIRE NOTES
- 5 CHILDCARE ELEVATIONS
- 6 MPR/ MANAGERS RESIDENCE FLOOR PLAN
- 7 DETAILS
- 8 KITCHEN DETAILS
- 9 ELECTRICAL PLAN
- 10 REFLECTED CEILING PLAN

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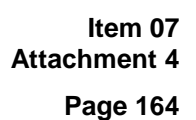








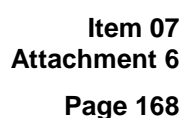
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EXAMPLES OF DRY CREEK BED AND DIRT PATCH



EXAMPLES OF CLIMBING EQUIPMENT



EXAMPLES OF SANDPIT & SOFTFALL AREA



EXAMPLE OF BIKE TRACK, SOFTFALL ZONES AND CREEK BED



EXAMPLE OF LUNCH TABLE WITH PLANTER BOX



EXAMPLE OF SPLASH PAD

INDICATIVE 'PUBLIC STREETSCAPE'
PLANT SCHEDULE

FEATURE TREES	
<i>Pandanus tectorius</i>	Screw Pine
SMALL FEATURE/CANOPY TREES	
<i>Trochodendron laurum</i>	Water Gum
<i>Waterhousea floribunda</i>	Crape Myrtle
<i>Cupressus anacardioides</i>	Tuckeroo
ACCENT PLANTS	
<i>Doryopteris excelsa</i>	Gymea Lily
<i>Cycas revoluta</i>	Cycad
<i>Corallorhiza innata</i>	Red Frilled Palm Lily
<i>Corallorhiza innata</i>	Walking Stick Palm
SCREEN SHRUBS	
<i>Hibiscus splendens</i>	Pink Hibiscus
<i>Backhousia myrtifolia</i>	Grey Myrtle
<i>Metrosideros 'Fij Fire'</i>	NZ Christmas Bush
<i>Syzygium spp.</i>	Dwarf Lily Pili
<i>Westringia spp.</i>	Coastal Rosemary
GROUNDCOVERS	
<i>Cesunna 'Cousin It'</i>	Cousin It
<i>Carpotrochilus spp.</i>	Pig Face
<i>Lomandra 'Tanka'</i>	Tanka
<i>Lomandra 'Wingama'</i>	Wingama
<i>Goodenia 'Gold Cover'</i>	Goodenia
<i>Clivia miniata</i>	Clivia
<i>Ophiopogon japonica</i>	Mondo Grass
CLIMBERS	
<i>Hardenbergia 'Meemal'</i>	Hardenbergia
<i>Hibbertia scandens</i>	Yellow Guinea Flower
<i>Trachelospermum 'Tricolour'</i>	Variegated Star Jasmine

0 2 4 8 12
Full Size 1:200, Half Size 1:400
Scale (m)



DATE 29/01/2018
SCALE 1:200 AT A1, 1:400 AT A2
ISSUE PRELIMINARY DESIGN
SHEET 02 OF

AMENDMENTS

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IN·SITE
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SEASIDE CHILDCARE CENTRE
SEASIDE DRIVE, LAKE CATHIE
LANDSCAPE IMAGES



Lake Cathie Childcare Centre – Acoustic Report

Lake Cathie Childcare Centre
Seaside Drive, Lake Cathie, NSW 2445

1910 Lake Cathie Child Care Acoustic Report

3 December 2019

Version: Final

Lake Cathie Childcare Centre
Seaside Drive, Lake Cathie, NSW 2445

1910 Lake Cathie Child Care Acoustic Report
3 December 2019
Final

Lake Cathie Childcare Centre – Acoustic Report

PREPARED BY:

Pulse Acoustic Consultancy Pty Ltd
ABN 61 614 634 525
Level 4, 73 Walker Street, North Sydney, 2060

Matthew Harrison
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E: matthewharrison@pulseacoustics.com.au www.pulseacoustics.com.au

This report has been prepared by Pulse Acoustic Consultancy Pty Ltd with all reasonable skill, care and diligence, and taking account of the timescale and resources allocated to it by agreement with the Client. Information reported herein is based on the interpretation of data collected, which has been accepted in good faith as being accurate and valid.

This report is for the exclusive use of Lake Cathie Childcare Centre. No warranties or guarantees are expressed or should be inferred by any third parties. This report may not be relied upon by other parties without written consent from Pulse Acoustics.

This report remains the property of Pulse Acoustic Consultancy Pty Ltd until paid for in full by the client, Lake Cathie Childcare Centre. **Pulse Acoustic disclaims any responsibility to the Client and others in respect of any matters outside the agreed scope of the work.**

DOCUMENT CONTROL

Reference	Status	Date	Prepared	Checked	Authorised
1910 Lake Cathie Child Care Acoustic Report	Draft	3 December 2019	Peter Gangemi		
1910 Lake Cathie Child Care Acoustic Report	Final	3 December 2019	Peter Gangemi	Matthew Harrison	Matthew Harrison

Pulse Acoustic Consultancy Pty Ltd

Lake Cathie Childcare Centre
Seaside Drive, Lake Cathie, NSW 2445

1910 Lake Cathie Child Care Acoustic Report
3 December 2019
Final

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Pulse Acoustic Consultancy Pty Ltd

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1910 Lake Cathie Child Care Acoustic Report
3 December 2019
Final

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1 INTRODUCTION

Pulse Acoustics Consultancy has been engaged to undertake an Acoustic Assessment of the proposed Child Care Centre at Seaside Drive, Lake Cathie NSW 2445. Port Macquarie-Hastings Council have requested that an acoustic assessment of the proposed activities on the subject site be prepared as part of the Development Application process.

The subject site is proposed to operate from 6:30am to 6:30pm Monday to Friday and has a capacity of 125 children and 33 car spaces.

The noise criteria for the development have been established using the Port Macquarie-Hastings Development Control Plan (DCP) 2011, NSW EPA Noise Policy for Industry (NPI) 2017 and the Association of Australian Acoustical Consultants' (AAAC) Guideline for Child Care Centre Acoustic Assessment.

1.1 Site Description

The proposed Child Care Centre is located at Seaside Drive Lake Cathie, Lot 46 DP 1230717. Figure 1 below shows the location of the proposed child care centre. The centre fronts onto Seaside Drive to the east. The rear of the site is bounded by residential properties to the west, either recently built or to be completed in the future. Land on the eastern side of Seaside Drive is zoned for mixed use, and therefore could contain residential developments in the future. These receiver locations have been considered in this report.

Figure 1 Subject Site Location



Lake Cathie Childcare Centre
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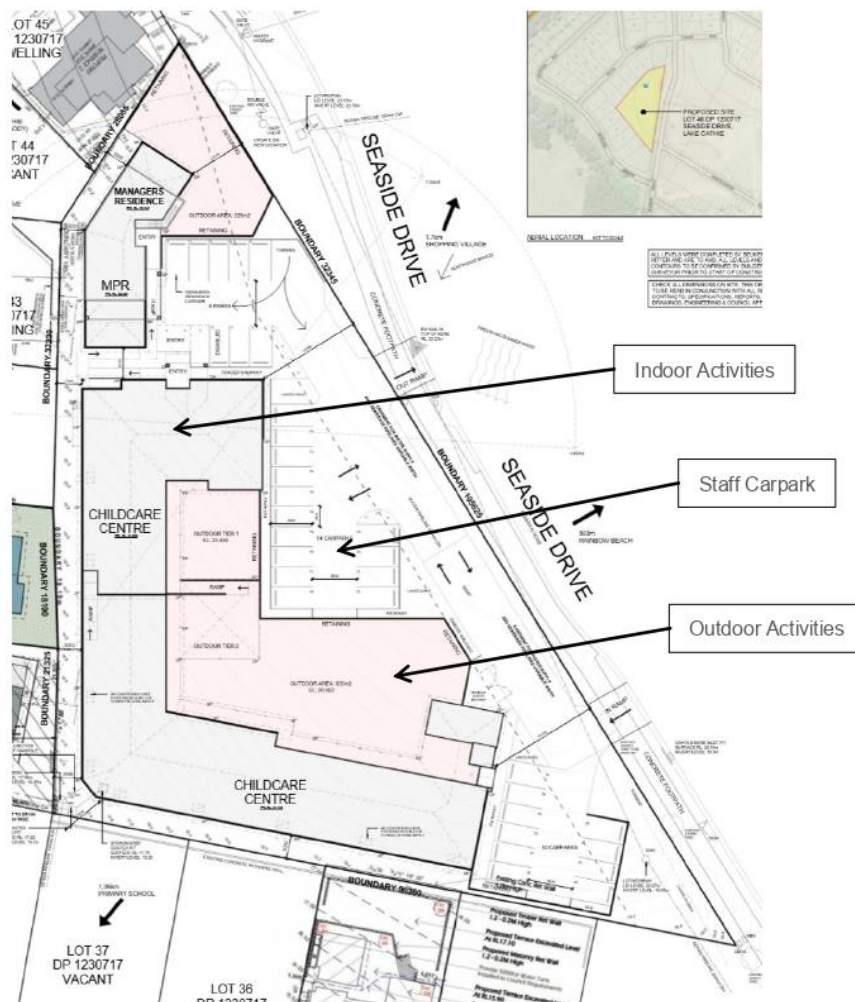


The layout of the proposed Child Care Centre is shown in Figure 2 below. Two Child Care Centre buildings are located on the southern and western parts of the site. A managers residence and MPR building is located to the northern part of the site, with an additional outdoor play area located to the east of the managers residence. The managers residence and MPR building will be constructed as Stage 2 of the proposed development.

Outdoor play areas for each building are located on the eastern side of the structures, providing acoustic shielding to the closest residential receptors to the west.

Staff and customer car parking is located on the eastern part of the site, with a car park capacity of 33 spaces. The site area is 5168m², with 1064m² of outdoor play areas proposed.

Figure 2 Proposed Child Care Centre Layout



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1.2 Proposed Child Care Operations

We understand that the proposed operating conditions of the child care centre are as follows.

- The child care centre is proposed to operate between 6:30 am and 6:30 pm.
- The child care centre is proposed to have a capacity of 125 children.
- Proposed outdoor activities include free play and structured play or activities. Outdoor area play times are dependent on the season. However, activities are proposed to take place for more than two hours between the operational period 6:30 am to 6:30 pm.
- At any one time, all children could be playing in the outdoor yard.

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2 NEAREST SENSITIVE RECEPTORS

Several potentially noise sensitive receivers are located in the vicinity of the subject site. The receptors in this report are considered representative of the closest receivers to the proposed child care centre. The receiver locations assessed in this report are listed in Table 1 and indicated in Figure 3.

Table 1 Nearest Potentially Affected Receivers

Receptor	Address	Lot and DP	Type of Receiver
R1	1 Nevis Street, Lake Cathie	Lot 45 DP 1230717	Residential
R2	5 Nevis Street, Lake Cathie	Lot 43 DP 1230717	Residential
R3	9 Nevis Street, Lake Cathie	Lot 41 DP 1230717	Residential
R4	11 Nevis Street, Lake Cathie	Lot 40 DP 1230717	Residential
R5	6 Antigua Avenue, Lake Cathie	Lot 35 DP 1230717	Residential
R6	2 Antigua Avenue, Lake Cathie	Lot 33 DP 1230717	Residential
R7	Seaside Drive, Lake Cathie	Lot 228 DP 1235792	Residential
R8	Seaside Drive, Lake Cathie	Lot 167 DP 1229250	Residential
R9	Seaside Drive, Lake Cathie	Lot 11 DP 1226839	Residential
R10	15 Seaside Drive, Lake Cathie	Lot 207 DP 1232146	Residential

Figure 3 Location of Nearest Potentially Affected Receivers



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3 EXISTING ACOUSTIC ENVIRONMENT

Unattended noise logging was carried out in order to obtain the background noise levels at the surrounding receptors. The unattended noise logger was placed on the boundary with one of the adjoining receivers, 6 Antigua Avenue, Lake Cathie. This receiver was selected as it borders the subject site, while potentially having quieter background noise levels than the properties fronting onto Seaside Drive.

The unattended noise survey was conducted between 19th November 2019 and 27th November 2019. Instrumentation for the noise survey comprised of one Svan 971 noise logger (serial number 74365). The logger was set on A-weighted, fast response and measured over 15 minute periods. The microphone was placed between 1.2m and 1.5m above ground level and fitted with a windsock. All equipment carried appropriate and current NATA or manufacturer calibration certificates. For quality control, calibration of the logger was checked prior to and following the measurements. There was not any significant variation between the pre-measurement calibration and post-measurement calibration, with drift not exceeding ± 0.5 dB.

Charts presenting summaries of the measured daily noise data are attached in Appendix C. The charts present each 24-hour period and show the L_{A1} , L_{A10} , L_{Aeq} and L_{A90} noise levels for the corresponding 15-minute periods. As per Appendix A4 of the Noise Policy for Industry, the gathered data has been filtered to exclude periods affected by adverse weather conditions. Weather data was sourced from the most representative Bureau of Meteorology Weather Station, being Port Macquarie Airport AWS (ID 060139). The Port Macquarie Airport AWS is located approximately 15km north of the noise logging location.

The measurements of background noise levels are summarised in Table 2 below. The background noise measurements are separated into the day, evening and night periods as per the guidelines contained within the Noise Policy for Industry.

As the Child Care Centre is proposed to be open from 6:30 am (half an hour before the day period begins) and closed at 6:30pm (half an hour after the day period finishes), the RBL and L_{Aeq} are also presented for the two shoulder periods as well.

Table 2 Measured Ambient Noise Levels Corresponding to EPA's Noise Policy for Industry Assessment Time Periods

Measurement Location & Date	Daytime ¹ 7:00 am to 6:00 pm		Evening ¹ 6:00 pm to 10:00 pm		Night-time ¹ 10:00 pm to 7:00 am		Morning Shoulder ¹ 6:30 am to 7:00 am		Evening Shoulder ¹ 6:00 pm to 6:30 pm	
	RBL ²	L_{Aeq} ³	RBL ²	L_{Aeq} ³	RBL ²	L_{Aeq} ³	RBL ²	L_{Aeq} ³	RBL ²	L_{Aeq} ³
6 Antigua Avenue, Lake Cathie	40	52	41	50	40	47	44	48	40	44
<p><i>Note 1: For Monday to Saturday, Daytime 7:00 am – 6:00 pm; Evening 6:00 pm – 10:00 pm; Night-time 10:00 pm – 7:00 am. On Sundays and Public Holidays, Daytime 8:00 am – 6:00 pm; Evening 6:00 pm – 10:00 pm; Night-time 10:00 pm – 8:00 am</i></p> <p><i>Note 2: The RBL noise level is representative of the "average minimum background sound level" (in the absence of the source under consideration), or simply the background level.</i></p> <p><i>Note 3: The L_{Aeq} is the energy average sound level. It is defined as the steady sound level that contains the same amount of acoustical energy as a given time-varying sound.</i></p>										

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4 OPERATIONAL NOISE EMISSION CRITERIA

4.1 Port Macquarie-Hastings Council

4.1.1 Correspondence

The following correspondence has been received from Port Macquarie-Hastings Council

Due to the scale of the building, the number of occupants, distances from outdoor play areas and car parking areas to residences, an acoustic report should be submitted to ensure all noise impacts are considered and that the proposed development won't impact on adjoining/nearby residents. It's noted that the A/C units are proposed to be installed in the sub-floor area to reduce noise impacts;

This Acoustic Report is therefore being provided to satisfy the request of Port Macquarie-Hastings Council

4.1.2 Port Macquarie-Hastings Council Development Control Plan 2011

The Port Macquarie-Hastings LEP and DCP contain acoustic guidance on commercial land adjoining residential land, noise intrusion criteria and acoustic controls for specific sites, as outlined in this section.

4.1.3 Commercial Development Adjoining Residential Land Uses

Section 3.4.3.35 of the DCP includes acoustic measures where commercial land adjoins residential land. In particular,

- a) *The development is designed so that all vehicle movement areas and servicing areas are located away from adjoining residential areas.*
- b) *Where this cannot be achieved visual and acoustic treatment of the interface is required.*
- c) *The building elevation adjoining the residential area should be:*
 - *Articulated, with changes in setback at intervals no greater than 10m;*
 - *Use a variety of materials and treatments;*
 - *Be setback a minimum of half the height of the wall or a minimum of 3.0 metres whichever is greater.*
- d) *Waste areas are located and managed to minimise pests, noise and odour.*

4.1.4 Development Subject to Acoustic Controls in the Port Macquarie-Hastings DCP

Section 5.2.2.9 of the DCP includes measures for development subject to acoustic controls. In particular,

- a) *Development subject to acoustic controls as identified in the Port Macquarie-Hastings LEP 2011 is to comply with AS3671 Acoustics - Road traffic noise intrusion - Building siting and construction. In particular,*

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- *Minimising the number of windows and openings which directly face the potential noise source*
- *Locating noise insensitive areas such as kitchens, storage areas, laundry and garage, toward potential noise sources*
- *Incorporating courtyard walls and boundary fences as barriers to potential noise sources*

4.1.5 Acoustic Controls Map

Section 7.9 of the Port Macquarie-Hastings Local Environmental Plan 2011 looks at land that is potentially exposed to road traffic noise or extractive industry activities. Such land is identified in LEP Land Zoning Maps as 'subject to acoustic controls', and therefore is recommended to be analysed under the Road Noise Policy and the Industrial Noise Policy (since October 2017, the Industrial Noise Policy has been replaced by the Noise Policy for Industry). Figure 4 below shows that the majority of the subject site is within the area identified for recommended acoustic controls.

Figure 4 Port Macquarie DCP – Acoustic Controls Map



As the majority of the subject site is within the area recommended for Acoustic Controls, the following advice from section 7.9 of the Port Macquarie-Hastings LEP should be adopted

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7.9 Development subject to acoustic controls

- (1) *The objective of this clause is to ensure that development for residential or tourist purposes, or for any other purpose involving regular human occupation, on land subject to significant exposure to noise (including road traffic noise or extractive industry crushing plant operation noise) incorporates appropriate mitigation measures.*
- (2) *This clause applies to the land identified as "Subject to acoustic controls" on the Acoustic Controls Map.*
- (3) *Before granting development consent to development on land to which this clause applies, the consent authority must—*
 - a) *consider the location of the development in relation to the relevant criteria set out in—*
 - i. *NSW Road Noise Policy published by the Department of Environment, Climate Change and Water in March 2011, and*
 - ii. *NSW Industrial Noise Policy published by the NSW Environment Protection Authority in January 2000, and*
 - b) *be satisfied that the occupants of the development will not be subject to excessive noise, and*
 - c) *be satisfied that appropriate noise mitigation measures will be incorporated into the development to reduce noise to an acceptable level.*
- (4) *Land identified as "Subject to acoustic controls" on the Acoustic Controls Map is identified as being within a buffer area for the purposes of clause 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

Note. Clause 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 prevents complying development specified for certain complying development codes from being carried out on land identified by an environmental planning instrument as being within a buffer area.

4.2 NSW Noise Policy for Industry 2017

In NSW, the control of noise emissions is the responsibility of local councils and the NSW Environment Protection Authority (NSW EPA).

The NSW EPA document *Noise Policy for Industry* (NSW NPI) provides a framework and process for determining external noise criteria for the assessment of noise emission from industrial developments. The NSW NPI criteria for industrial noise sources have two components:

- Controlling the intrusive noise impacts for residents and other sensitive receivers in the short term; and
- Maintaining noise level amenity of particular land uses for residents and sensitive receivers in other land uses.

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4.2.1 Intrusiveness Noise Impacts (Residential Receivers)

The NSW NPI states that the noise from any single source should not intrude greatly above the prevailing background noise level. Industrial noises are generally considered acceptable if the equivalent continuous (energy-average) A-weighted level of noise from the source (L_{Aeq}), measured over a 15 minute period, does not exceed the background noise level measured in the absence of the source by more than 5 dB(A). This is often termed the Intrusiveness Criterion.

The 'Rating Background Level' (RBL) is the background noise level to be used for assessment purposes and is determined by the methods given in the NSW NPI. Using the rating background noise level approach results in the intrusiveness criterion being met for 90% of the time. Adjustments are to be applied to the level of noise produced by the source that is received at the assessment point where the noise source contains annoying characteristics such as tonality or impulsiveness.

4.2.2 Protecting Noise Amenity (All Receivers)

To limit continuing increases in noise levels, the maximum ambient noise level within an area from industrial noise sources should not normally exceed the acceptable noise levels specified in Table 2.2 of the NSW NPI. That is, the ambient L_{Aeq} noise level should not exceed the level appropriate for the particular locality and land use. This is often termed the 'Background Creep' or Amenity Criterion.

The amenity assessment is based on noise criteria specified for a particular land use and corresponding sensitivity to noise. The cumulative effect of noise from industrial sources needs to be considered in assessing the impact. These criteria relate only to other continuous industrial-type noise and do not include road, rail or community noise. If the existing (measured) industrial-type noise level approaches the criterion value, then the NSW NPI sets maximum noise emission levels from new sources with the objective of ensuring that the cumulative levels do not significantly exceed the criterion.

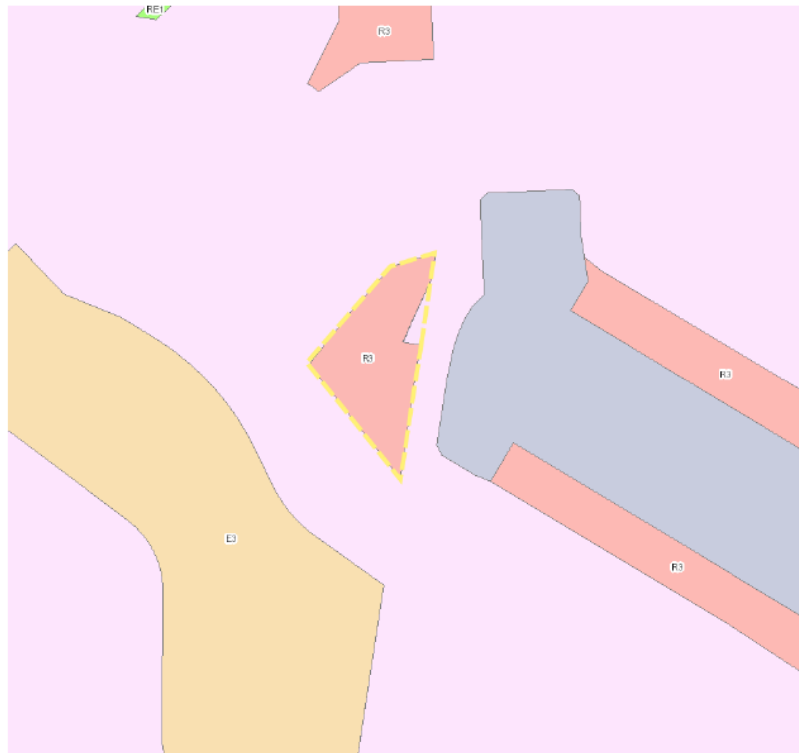
4.2.3 Area Classification

The land zoning of the area surrounding the child care centre is obtained from the Port Macquarie-Hastings Local Environmental Plan 2011 and shown in Figure 5 below. As can be observed in Figure 5 the subject site is surrounded by the R1 general residential zoning. Additionally, B4 mixed use zoned land is located to the east of the subject site across Seaside Drive.

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Figure 5 Land Zoning Map



The NSW NPI characterises “suburban” residential noise environment as an area with an acoustical environment which shows the following: *An area that has local traffic with characteristically intermittent traffic flows or some limited commerce or industry. This area often has the following characteristic: evening ambient noise levels defined by the natural environment and human activity.*

Therefore to provide a conservative analysis, nearby residential receptors are therefore classified under the ‘suburban residential’ category, as per Table 2.3 of the Noise Policy for Industry. For nearby receivers, the recommended amenity criteria are shown in Table 3 below.

Table 3 NSW NPI – Recommended LAeq Noise Levels from Industrial Noise Sources

Type of Receiver	Indicative Noise Amenity Area	Time of Day ¹	Recommended Amenity Noise Level (L _{Aeq, period}) ²
Residence	Suburban	Day	55
		Evening	45
		Night	40
Note 1: For Monday to Saturday, Daytime 7:00 am – 6:00 pm; Evening 6:00 pm – 10:00 pm; Night-time 10:00 pm – 7:00 am. On Sundays and Public Holidays, Daytime 8:00 am – 6:00 pm; Evening 6:00 pm – 10:00 pm; Night-time 10:00 pm – 8:00 am.			
Note 2: The L _{Aeq} is the energy average sound level. It is defined as the steady sound level that contains the same amount of acoustical energy as a given time-varying sound.			

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When the existing noise level from industrial noise sources is close to the recommended "Amenity Noise Level" (ANL) given above, noise from the new source must be controlled to preserve the amenity of the area in line with the requirements of the NSW NPI.

4.2.4 Project Trigger Noise Levels

The intrusive and amenity criteria for industrial noise emissions are derived from the noise monitoring at the residential receiver bordering the subject site. The criteria are nominated for the purpose of determining the operational noise limits for all noise emissions from the development, and are shown in Table 4 below. Sources of noise emissions from the child care centre include children participating in outdoor, indoor activities and car parking events related to the use of the child care centre.

As the complete daytime and evening periods provide lower RBLs than the morning and evening shoulder periods, the day, evening and night periods provide lower criteria and are adopted for this assessment.

Table 4 External noise level criteria in accordance with the NSW NPI

Location	Time of Day ¹	Project Amenity Noise Level, LAeq, period ² (dBA)	Measured LA90, 15 min (RBL) ³ (dBA)	Measured LAeq, period Noise Level (dBA)	Intrusive LAeq, 15 min Criterion for New Sources (dBA)	Amenity LAeq, 15 min Criterion for New Sources (dBA)
Suburban residences	Day	50	40	52	45	53
	Evening	40	40 ⁴	50	45	43
	Night	35	40	47	45	40⁵
<p>Note 1: For Monday to Saturday, Daytime 7:00 am – 6:00 pm; Evening 6:00 pm – 10:00 pm; Night-time 10:00 pm – 7:00 am. On Sundays and Public Holidays, Daytime 8:00 am – 6:00 pm; Evening 6:00 pm – 10:00 pm; Night-time 10:00 pm – 8:00 am.</p> <p>Note 2: Project Amenity Noise Levels corresponding to "suburban" areas, equivalent to the Recommended Amenity Noise Levels minus 5 dBA</p> <p>Note 3: LA90 Background Noise or Rating Background Level</p> <p>Note 4: As per section 2.3 of the Noise Policy for Industry, the project intrusiveness noise level for evening be set at no greater than the project intrusiveness noise level for daytime.</p> <p>Note 5: Where the resultant project amenity noise level is 10 dB or more lower than the existing industrial noise level, the project amenity noise levels can be set at 10 dB below existing industrial noise levels (if it can be demonstrated that existing industrial noise levels are unlikely to reduce over time).</p> <p>Note 6: Project Noise Trigger Levels are shown in bold</p>						

4.2.5 Sleep Arousal Criteria

The sleep arousal criterion, obtained from the NSW Road Noise Policy (RNP), provides an assessment criterion for the expected quality of sleep of residence during the night.

An accurate representation of sleep disturbance impacts on a community from a noise source is particularly difficult to quantify mainly due to differing responses of individuals to sleep disturbance – this is found even within a single subject monitored at different stages of a single night's sleep or during different periods of sleep.

In addition the differing grades of sleep state make a definition difficult, and even where sleep disturbance is not noted by the subject, factors such as heart rate, mood and performance can still be negatively affected.

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An assessment of sleep disturbance should consider the maximum noise level or LA1(1 minute), and the extent to which the maximum noise level exceeds the background level and the number of times this may happen during the night-time period. Factors that may be important in assessing the extent of impacts on sleep include:

- How often high noise events will occur;
- Time of day (normally between 10:00 pm and 7:00 am); and
- Whether there are times of the day when there is a clear change in the existing noise environment (such as during early morning shoulder periods).

Currently the information relating to sleep disturbance impacts indicates that:

- Maximum internal noise level below 50-55 dBA is unlikely to cause an awakening from a sleep state.
- One or two noise events per night with maximum internal noise levels of 65-70 dBA are not likely to affect health and wellbeing significantly.

As a result, the adopted sleep disturbance criterion for the project is an internal noise level of 50 – 55 dB L_{Amax}. This criterion is applicable for noise emissions generated by short term events occurring during the night time period. Therefore, allowing for a 10 dB reduction for open windows, **it is proposed that the noise screening criterion for sleep arousal should be 60-65 dB L_{Amax} external noise level at residential properties.**

4.3 AAAC Guideline for Child Care Centre Acoustic Assessment

The Association of Australian Acoustical Consultants (AAAC) has issued a 'Guideline for Child Care Acoustic Assessment (2013). The Guideline contains the following suggested limits when assessing noise from a child care centre. The guideline states the following:

Residential Receptors

Outdoor Play Area

For most centres as the duration of time that children are allowed to play outside is reduced the overall noise impact reduces. Therefore, it is reasonable to allow a higher level of noise impact for a shorter duration of outdoor play. AAAC members regard that a total time limit of approximately 2 hours outdoor play per day (e.g. 1 hour in the morning and 1 hour in the afternoon) should allow an additional emergence above the background of 5 dB.

Up to 2 hours (total) per day – The Leq, 15min noise level emitted from the outdoor play area shall not exceed the background noise level by more than 10 dB at the assessment location.

More than 2 hours per day – The Leq, 15min noise level emitted from the outdoor play area shall not exceed the background noise level by more than 5 dB at the assessment location.

Indoor Play Area, Mechanical Plant, Pick up and Drop off

The Leq, 15min noise level emitted from the cumulative noise impact of children playing indoors, mechanical plant and traffic on the site shall not exceed the background noise level by more than 5 dB at the assessment location.

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Commercial Receptors

The Leq,15min noise level emitted from the Child Care centre shall not exceed 65 dB(A) when assessed at the most affected point at or within any commercial property boundary.

Traffic Noise

Traffic noise on local roads generated by vehicles associated with the child care centre arriving and leaving the site (for example vehicle travelling on public roads) shall comply with Leq, 1 hour 50 dB(A) at the assessment location.

External Noise Impact on Children

The noise level LAeq, 1hr, from road, rail traffic or industry at any location within the outdoor play or activity area during the hours when the Centre is operating shall not exceed 55 dB(A).

The noise level LAeq, 1hr, from road, rail traffic or industry at any location within the indoor play or sleeping areas of the Centre during the hours when the centre is operating shall not exceed 40 dB(A).

4.4 Summary of Operational Noise Criteria

The following table summarises the operational noise criteria from sections 4.1 to 4.3. The operational noise assessment utilised in this assessment is shown below in Table 5.

Table 5 Summary of Operational Noise Criteria

Location	Day – dBA L _{Aeq} (15mins)	Evening – dBA L _{Aeq} (15mins)	Night – dBA L _{Aeq} (15mins)
Outdoor Play (More than two hours per day)	45	45	45
Mechanical equipment and car movements	45	43	40

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5 OPERATIONAL NOISE ASSESSMENT

The major noise emissions from the child care centre are predicted to consist of children engaged in outdoor activities, as well as from car movements and mechanical noise emissions.

Noise predictions from the proposed development are conducted utilising the ISO 9613 algorithm within the iNoise V2019.1 predictive noise modelling program. The iNoise software package allows a 3D computational model of the site and surrounding area to be created. Inputs into the noise model included terrain, ground absorption, surrounding buildings, fences, receiver locations and noise sources.

5.1 Noise Generating Scenarios

This Acoustic Report includes assessment of two noise generating scenarios as follows

- **Outdoor play:** This scenario assesses all children playing outdoors simultaneously. The scenario is assessed against the outdoor noise criteria as recommended in the AAAC guideline.
- **Vehicles and mechanical units:** This scenario assesses mechanical units operating and car vehicles entering and exiting the site. This scenario is assessed against the criteria derived from the Noise Policy for Industry.

The outdoor play scenario involves assessing all children outdoors at once to provide a worst case scenario. The AAAC guideline presents recommended sound power levels for children 0-2 years, children 2-3 years and children 3-5 years. It is assumed that there are 41 children in the 0-2 year age group, 42 children in the 2-3 year age group and 42 children in the 3-5 year age group. Sound power levels per child are given using the mid-point of the range outlined in the Association of Australasian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment. The adopted sound power levels are shown below in Table 6.

The sound power levels for vehicle activities and condenser units are given using noise levels measured from similar assessments conducted by Pulse Acoustics.

Table 6 Adopted Sound Power Levels

Operation scenario	Equipment Type	Number	Height (m)	Sound power level $L_{Aeq}(15min)$ dBA	L_{Amax} dBA
1. Outdoor play activities (AAAC outdoor play criteria)	Children 0-2 years	41	0.5	69 (SWL per one child)	-
	Children 2-3 years	42	0.75	75 (SWL per one child)	-
	Children 3-5 years	42	1	77 (SWL per one child)	-
2. Vehicles and mechanical units	Car engine start	12	1	62 (SWL per one vehicle)	93
	Car door close	12	1	58 (SWL per one vehicle)	90
	Car manoeuvring	12	1	68 (SWL per one vehicle)	88
	Medium condenser	5	0.5	70 (SWL per one unit)	73

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5.2 Modelling Assumptions

The following modelling assumptions are considered in this noise impact assessment:

- Modelling assumes a worst case 15 minute period for the outdoor play, that is 125 children are located outdoors;
- A maximum of 25 children are located in the northern outdoor yard outside the manager's residence;
- Noise predictions assume a worst case situation for the vehicles and mechanical unit scenario, that is all mechanical units are operational 100% of the 15 minute period and 12 vehicle movements occur within the scenario;
- In Table 2.4 of the Traffic Impact Assessment by the Lynch Group Pty Ltd, the estimated generated traffic rates are given per 2 hour block, with the worst case scenario being 60 trips between 4pm and 6pm. Therefore, the assumption of 12 traffic trips per 15 minute worst case scenario, is seen as a conservative assumption;
- Car door slams are assumed to take place over half a second, engine start up over two seconds, and car manoeuvring over one minute per car. The sound power levels are adjusted for an $L_{Aeq,15}$ minute period;
- Terrain has been sourced from the NSW Land and Property Information database Sixmaps;
- Ground absorption has been included in the model with the subject site and surrounding low density residential areas having an absorption factor of 0.25;
- All receptors are modelled 1.5m above the ground;
- Existing structures such as houses and current residential fences have been included in the model;
- Proposed buildings and 1.8m high fences around the outdoor play areas are included in the model. It is assumed that each outdoor play fence is of timber construction 20mm thick and 10 kg/m² density with no gaps or perforations, or a Colorbond fence (or similar) that provides a weighted sound transmission loss (R_w) of at least 20 dB; and
- The noise sources, sound power levels and heights have been modelled with respect to the information presented in Table 6.

5.3 Predicted Noise Levels

Noise levels are predicted for the outdoor play situation in Table 7. It is shown that outdoor play is predicted to comply with the site criteria between the operational hours 6:30am to 6:30pm.

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Table 7 Predicted Noise Levels, L_{Aeq} (15 minute) – Outdoor Play

Receiver	Outdoor Play Criteria – Day	Outdoor Play Criteria – Evening	Outdoor Play Criteria – Night	Outdoor Play – Predicted Noise Level
R1	45	45	45	45
R2	45	45	45	32
R3	45	45	45	33
R4	45	45	45	31
R5	45	45	45	32
R6	45	45	45	30
R7	45	45	45	32
R8	45	45	45	44
R9	45	45	45	41
R10	45	45	45	36

Noise levels are predicted for the vehicle movements and mechanical noise situation in Table 8. While the worst case vehicle movement scenario could only take place during the day scenario given the operational hours of the facility, the proposed vehicle movements and mechanical noise is predicted to comply with the site criteria at all receptors during the day, evening and night periods.

Table 8 Predicted Noise Levels, L_{Aeq} (15 minute) – Mechanical and Vehicle Movements

Receiver	Mechanical Criteria – Day	Mechanical Criteria – Evening	Mechanical Criteria – Night	Mechanical – Predicted Noise Level
R1	45	43	40	13
R2	45	43	40	14
R3	45	43	40	13
R4	45	43	40	16
R5	45	43	40	28
R6	45	43	40	30
R7	45	43	40	32
R8	45	43	40	38
R9	45	43	40	34
R10	45	43	40	25

As the Child Care Centre is proposed to open before 7am, the potential for sleep disturbance is assessed at the nearby residential receivers. The vehicle movements and mechanical units scenario is assessed for sleep disturbance as this provides a worst case assessment. The predicted L_{Amax} results of the vehicle movements and mechanical units during the night period are presented below in Table 9. Compliance with the criteria is predicted at all receivers, and sleep disturbance is not predicted to occur.

Lake Cathie Childcare Centre
Seaside Drive, Lake Cathie, NSW 2445



Table 9 Predicted Noise Levels, $L_{A_{Max}}$

Receiver	Sleep Disturbance Criteria	$L_{A_{Max}}$
R1	60	34
R2	60	35
R3	60	30
R4	60	38
R5	60	52
R6	60	51
R7	60	51
R8	60	52
R9	60	50
R10	60	40

Lake Cathie Childcare Centre
Seaside Drive, Lake Cathie, NSW 2445

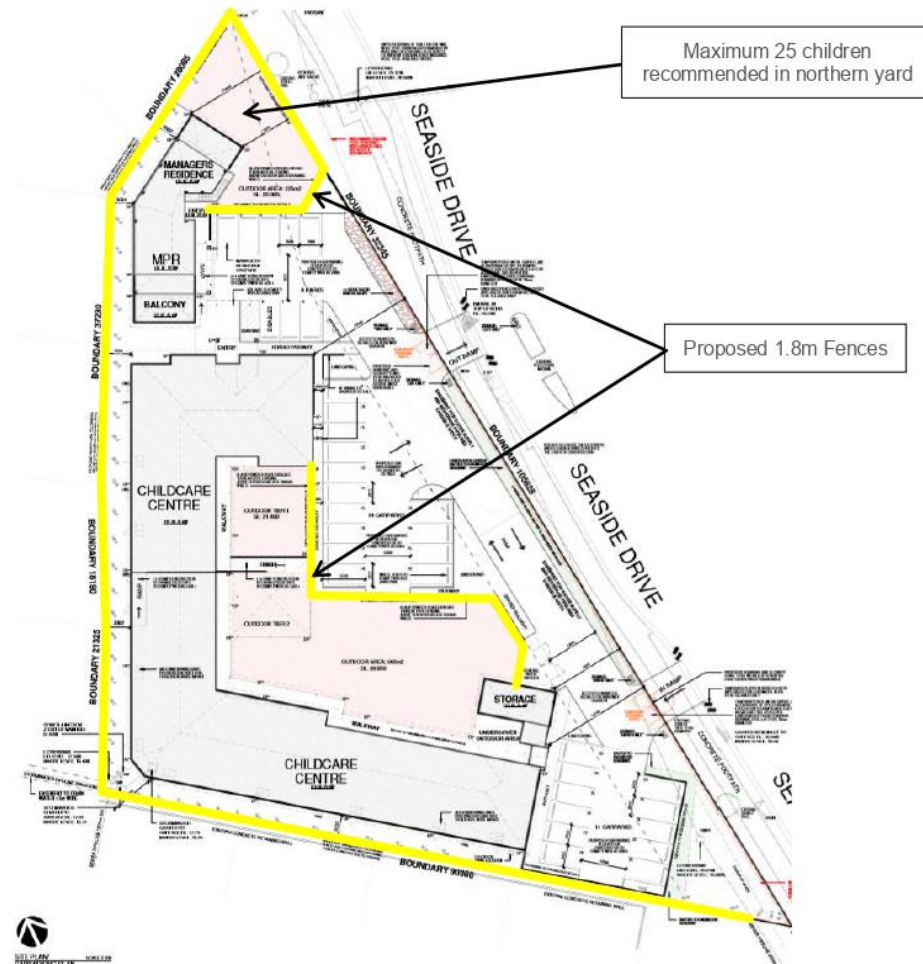


6 RECOMMENDED NOISE CONTROL MEASURES

Compliance with the site criteria was predicted in section 5, provided the following noise control measures are implemented

- The site is operational from 6:30am to 6:30pm Monday to Friday
- A maximum of 125 children are participating in outdoor play, with a maximum of 25 of these children are located in the northern outdoor yard outside the managers residence.
- 1.8m high fences are proposed for the site boundary, and around the outdoor play areas as shown in Figure 6 in this report.
- It is assumed that each fence is of a timber construction 20mm thick and 10 kg/m² density with no gaps or perforations (i.e. lapped and capped) or a Colorbond fence (or similar) that provides an Rw of at least 20 dB.

Figure 6 Locations of Noise Control Measures



Lake Cathie Childcare Centre
Seaside Drive, Lake Cathie, NSW 2445



7 CONCLUSION

An acoustic assessment has been carried out for the proposed Child Care Centre at Seaside Drive, Lake Cathie NSW 2445.

The subject site is proposed to operate from 6:30am to 6:30pm from Monday to Friday and have a capacity of 125 children.

The site criteria have been established using the Port Macquarie-Hastings Development Control Plan, NSW EPA Noise Policy for Industry and the Association of Australian Acoustical Consultants' (AAAC) Guideline for Child Care Centre Acoustic Assessment.

The following noise control measures are recommended for the proposed Child Care Centre

- During outdoor play, a maximum of 25 children are located in the northern outdoor yard outside the manager's residence.
- 1.8m high fences are proposed for the site boundary, and around the outdoor play areas as shown in Figure 6 in this report.
- It is assumed that each fence is of a timber construction 20mm thick and 10 kg/m² density with no gaps or perforations (i.e. lapped and capped) or a Colorbond fence (or similar) that provides a weighted sound transmission loss (R_w) of at least 20 dB.

Provided that the Child Care Centre operates with respect to the assumptions listed in section 5.2 and adopts the recommended noise control measures in section 6, noise emissions from the proposed Child Care Centre are predicted to comply with the established noise criteria at all receptors.

Lake Cathie Childcare Centre
Seaside Drive, Lake Cathie, NSW 2445



APPENDIX A

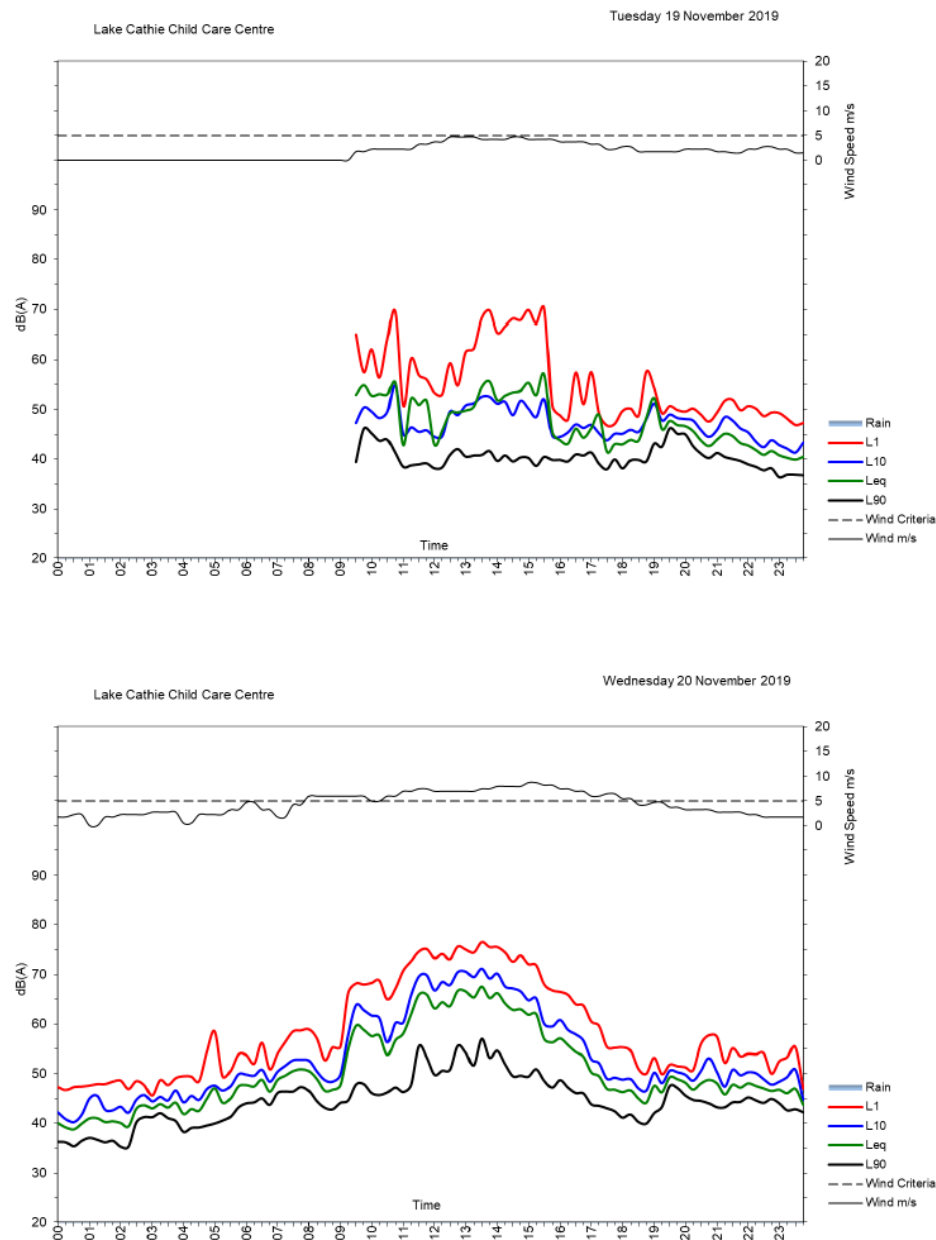
The following is a brief description of the acoustic terminology used in this report.

<i>Ambient Sound</i>	The totally encompassing sound in a given situation at a given time usually composed of sound from all sources near and far.																				
<i>Audible Range</i>	The limits of frequency which are audible or heard as sound. The normal ear in young adults detects sound having frequencies in the region 20 Hz to 20 kHz, although it is possible for some people to detect frequencies outside these limits.																				
<i>Character, acoustic</i>	The total of the qualities making up the individuality of the noise. The pitch or shape of a sound's frequency content (spectrum) dictates a sound's character.																				
<i>Decibel [dB]</i>	The level of noise is measured objectively using a Sound Level Meter. The following are examples of the decibel readings of every day sounds; <table> <tr><td>0dB</td><td>the faintest sound we can hear</td></tr> <tr><td>30dB</td><td>a quiet library or in a quiet location in the country</td></tr> <tr><td>45dB</td><td>typical office space. Ambience in the city at night</td></tr> <tr><td>60dB</td><td>Martin Place at lunch time</td></tr> <tr><td>70dB</td><td>the sound of a car passing on the street</td></tr> <tr><td>80dB</td><td>loud music played at home</td></tr> <tr><td>90dB</td><td>the sound of a truck passing on the street</td></tr> <tr><td>100dB</td><td>the sound of a rock band</td></tr> <tr><td>115dB</td><td>limit of sound permitted in industry</td></tr> <tr><td>120dB</td><td>deafening</td></tr> </table>	0dB	the faintest sound we can hear	30dB	a quiet library or in a quiet location in the country	45dB	typical office space. Ambience in the city at night	60dB	Martin Place at lunch time	70dB	the sound of a car passing on the street	80dB	loud music played at home	90dB	the sound of a truck passing on the street	100dB	the sound of a rock band	115dB	limit of sound permitted in industry	120dB	deafening
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120dB	deafening																				
<i>dB(A)</i>	<i>A-weighted decibels</i> The ear is not as effective in hearing low frequency sounds as it is hearing high frequency sounds. That is, low frequency sounds of the same dB level are not heard as loud as high frequency sounds. The sound level meter replicates the human response of the ear by using an electronic filter which is called the "A" filter. A sound level measured with this filter switched on is denoted as dB(A). Practically all noise is measured using the A filter. The sound pressure level in dB(A) gives a close indication of the subjective loudness of the noise.																				
<i>Frequency</i>	Frequency is synonymous to <i>pitch</i> . Sounds have a pitch which is peculiar to the nature of the sound generator. For example, the sound of a tiny bell has a high pitch and the sound of a bass drum has a low pitch. Frequency or pitch can be measured on a scale in units of Hertz or Hz.																				
<i>Loudness</i>	A rise of 10 dB in sound level corresponds approximately to a doubling of subjective loudness. That is, a sound of 85 dB is twice as loud as a sound of 75 dB which is twice as loud as a sound of 65 dB and so on																				
L_{max}	The maximum sound pressure level measured over a given period.																				
L_{min}	The minimum sound pressure level measured over a given period.																				
L_1	The sound pressure level that is exceeded for 1% of the time for which the given sound is measured.																				
L_{10}	The sound pressure level that is exceeded for 10% of the time for which the given sound is measured.																				
L_{90}	The level of noise exceeded for 90% of the time. The bottom 10% of the sample is the L_{90} noise level expressed in units of dB(A).																				
L_{eq}	The "equivalent noise level" is the summation of noise events and integrated over a selected period of time.																				

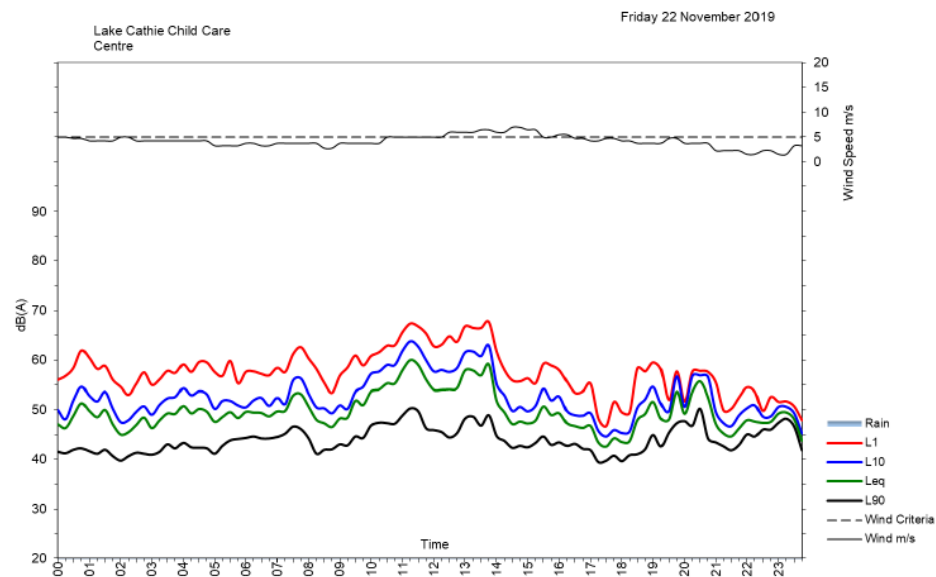
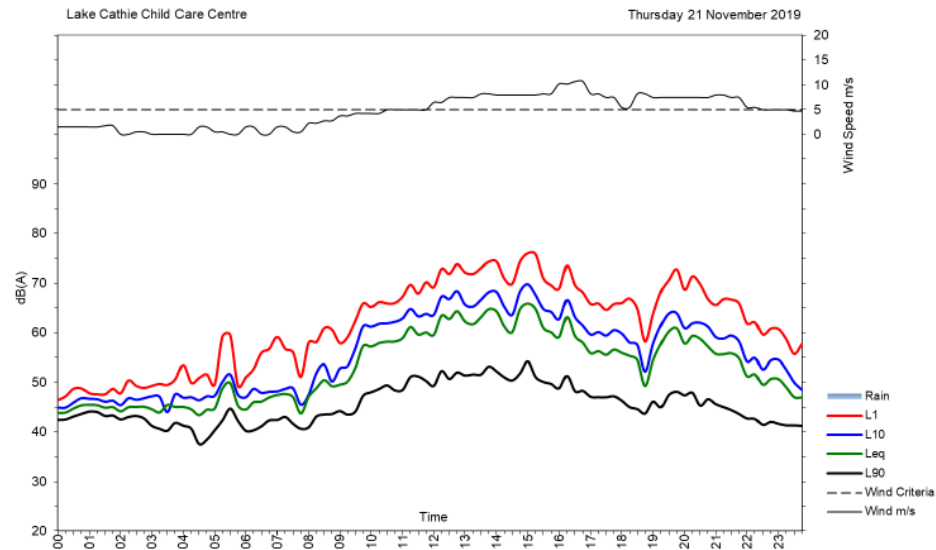
Lake Cathie Childcare Centre
Seaside Drive, Lake Cathie, NSW 2445



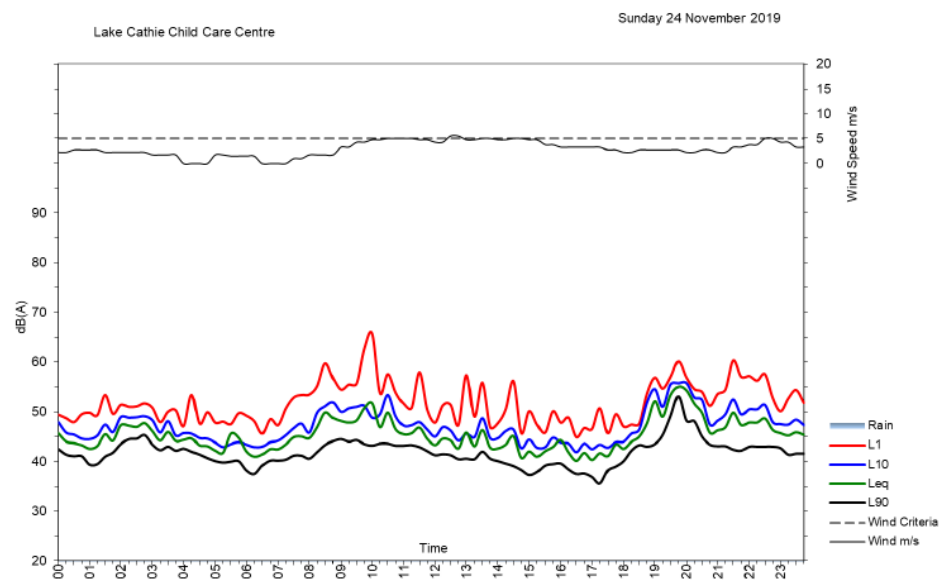
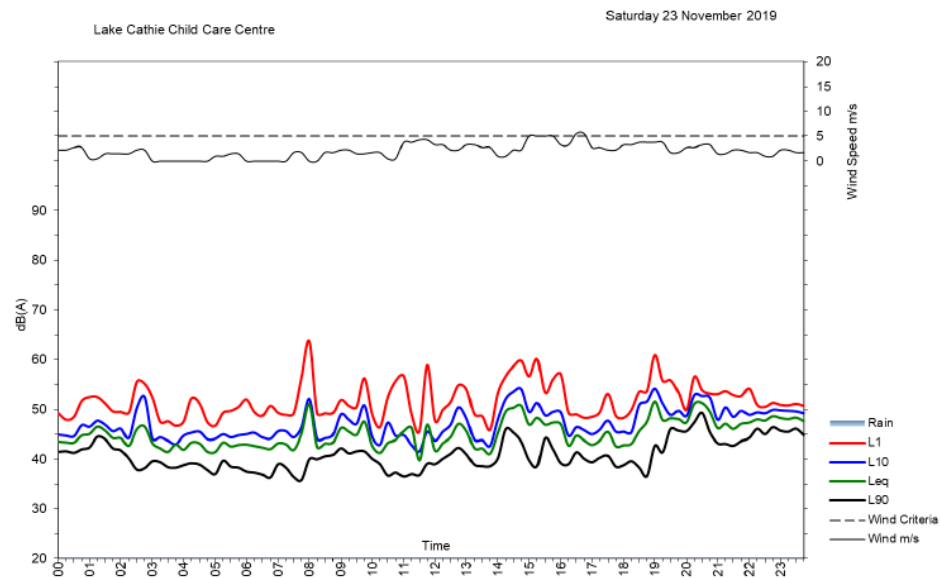
APPENDIX B – NOISE LOGGER SUMMARY



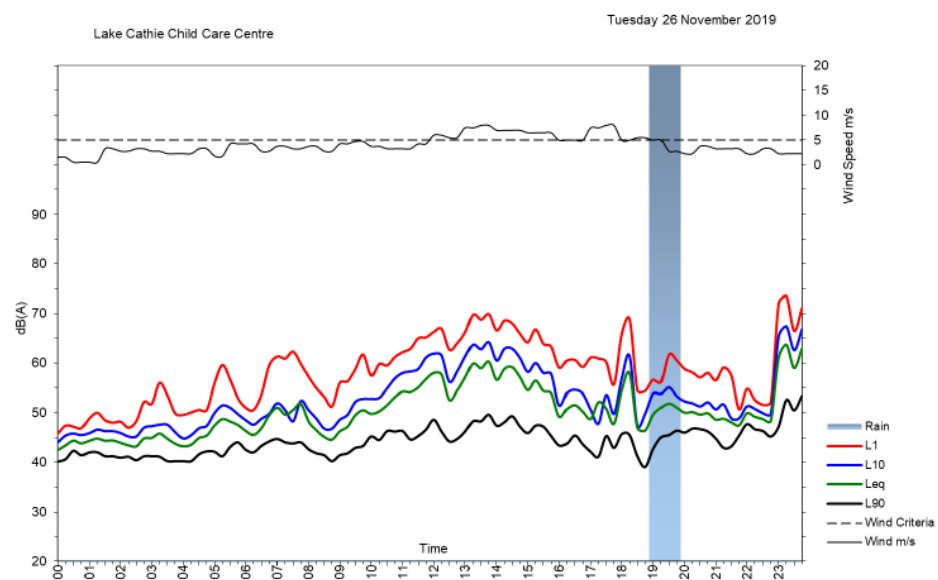
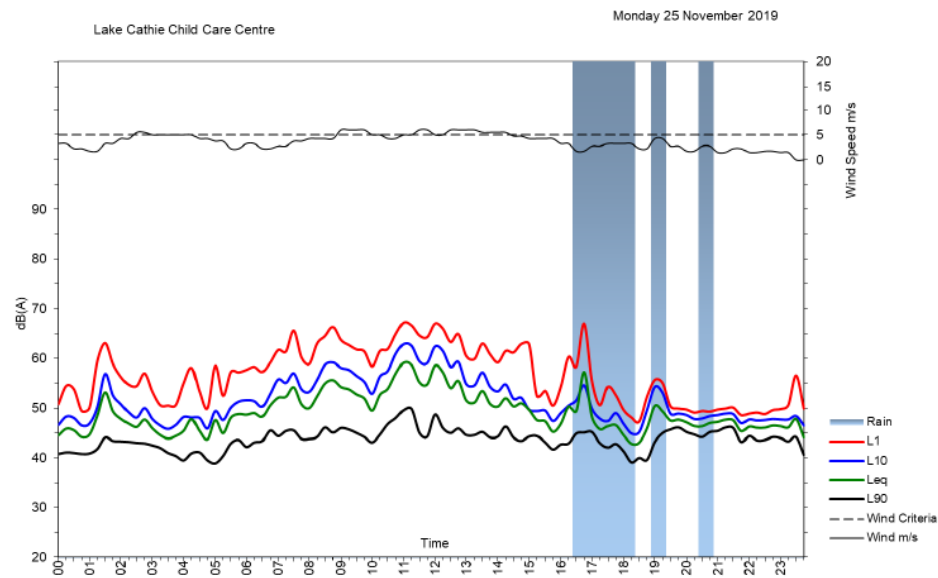
Lake Cathie Childcare Centre
Seaside Drive, Lake Cathie, NSW 2445



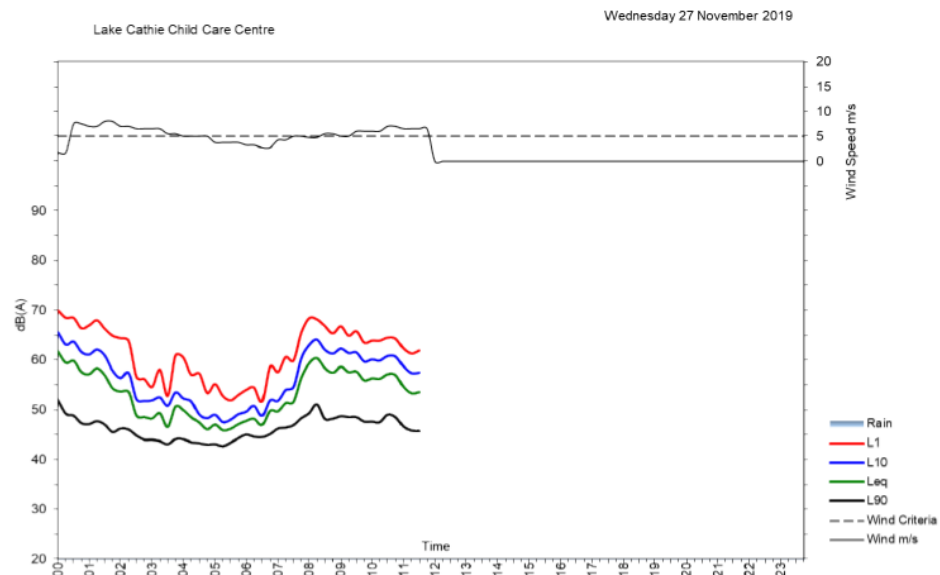
Lake Cathie Childcare Centre
Seaside Drive, Lake Cathie, NSW 2445



Lake Cathie Childcare Centre
Seaside Drive, Lake Cathie, NSW 2445



Lake Cathie Childcare Centre
Seaside Drive, Lake Cathie, NSW 2445



DAVID PENSINI
Building Certification and
Environmental Services

BUSHFIRE HAZARD ASSESSMENT

CHILD CARE CENTRE

**LOT 46 DP 1230717
SEASIDE DRIVE,
LAKE CATHIE**

**CLIENT:
LYNCH GROUP**

AUGUST 2019

3 Blair Street, Port Macquarie NSW 2444 – PO Box 5581, Port Macquarie NSW 2444 – Phone 0434 166 150 – Email kdpensini@bigpond.com
ABN 55 183 050 741

BUSHFIRE HAZARD ASSESSMENT
CHILD CARE CENTRE
LOT 46 SEASIDE DRIVE, LAKE CATHIE

AUGUST 2019

This report has been prepared by David Pensini - Building Certification and Environmental Services with all reasonable skill, care and diligence for Lynch Group.

The information contained in this report has been gathered from discussions with representatives of Lynch Group, a review of the plans provided by representatives of Lynch Group and experience.

No inspection or assessment has been undertaken on other aspects of the proposed development outside the scope of this report.

This report does not imply, nor should it be implied, that the proposed development will comply fully with relevant legislation.

The report shall not be construed as relieving any other party of their responsibilities or obligations.

David Pensini - Building Certification and Environmental Services disclaims any responsibility Lynch Group and others in respect of any matters outside the scope of this report.

The report is confidential, and the writer accepts no responsibility of whatsoever nature, to third parties who use this report, or part thereof is made known. Any such party relies on this report at their own risk.

For and on behalf of David Pensini - Building Certification and Environmental Services.

Prepared by: David Pensini



Signed:



Dated: 16th August 2019

BUSHFIRE HAZARD ASSESSMENT
CHILD CARE CENTRE
LOT 46 SEASIDE DRIVE, LAKE CATHIE

AUGUST 2019

Version	Date	Information relating to report			
		Reason for issue			
1.0	13 th August 2019		Draft		
2.0	16 th August 2019		Final Report Issued to Client		
			Prepared by	Verified by	Approved by
		Name	David Pensini		David Pensini
		Signature			

BUSHFIRE HAZARD ASSESSMENT
CHILD CARE CENTRE
LOT 46 SEASIDE DRIVE, LAKE CATHIE

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APPENDIX 4 - Proposed Development

APPENDIX 5 - APZ Concept Plan

APPENDIX 6 - Bushfire Attack Level 12.5 Construction Requirements AS 3959 – 2009 (as amended by Appendix 3 of NSW Rural Fire Services, *Planning for Bushfire Protection*, 2006)

BUSHFIRE HAZARD ASSESSMENT
CHILD CARE CENTRE
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1.0 INTRODUCTION

As requested, a Bushfire Hazard Assessment has been carried out for a proposed childcare centre development on land which is known as Lot 46 DP 1230717, Seaside Drive, Lake Cathie.

The purpose of this report is to demonstrate that the bushfire risk is manageable for the proposed childcare centre and to determine the bushfire protection management measures which are applicable to the development of the subject site.

This report is based on an onsite assessment carried out on 15th August 2019.

It is noted that childcare centre developments are integrated development under Section 91 of the *Environmental Planning & Assessment Act, 1979* and a Special Fire Protection Purpose (SFPP) development which requires a Bushfire Safety Authority under Section 100B of the *Rural Fires Act 1997*.

This report has been prepared with all reasonable skill, care and diligence.

The information contained in this report has been gathered from field survey, experience and has been completed in consideration of the following legislation.

1. Rural Fires Act 1997.
2. Environmental Planning and Assessment Act 1979.
3. Building Code of Australia (BCA).
4. Council Local Environment Plans and Development Control Plans where applicable.
5. NSW Rural Fire Services, Planning for Bushfire Protection, 2006.
6. AS 3959-2009, Construction of Buildings in Bushfire Prone Areas.

The report recognizes the fact that no property and lives can be guaranteed to survive a bushfire attack. The report examines ways the risk of bushfire attack can be reduced where the site falls within the scope of the legislation.

The report is confidential, and the writer accepts no responsibility of whatsoever nature, to third parties who use this report, or part thereof is made known. Any such party relies on this report at their own risk.

2.0 OBJECTIVES

The objective of this report is to;

- Ensure that the proposed childcare centre can achieve compliance with the Special Fire Protection Purpose (SFPP) requirements of NSW Rural Fire Services, **Planning for Bushfire Protection**, 2006; and
- Ensure that the proposed development of the land has measures sufficient to minimize the impact of bushfires.

3.0 LEGISLATIVE FRAMEWORK

Any proposal to construct a childcare centre on the subject site, (SFPP), would require the issuing of a Bush Fire Safety Authority under Section 100B of the *Rural Fires Act 1997*. Accordingly, any development application which is submitted to Port Macquarie Hastings

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Council is an Integrated Application requiring referral to the Rural Fire Service for their assessment and concurrence to the issuing of a Bush Fire Safety Authority.

As per the Rural Fire Service's Fast Fact of 01/10 all development on bushfire prone land in NSW should comply with the requirements of Addendum Appendix 3 and other bushfire protection measures identified within NSW Rural Fire Services, **Planning for Bushfire Protection**, 2006.

Proposals involving SFPP must therefore demonstrate that compliance with the relevant requirements of NSW Rural Fire Services, **Planning for Bushfire Protection**, 2006 is possible for the proposed development. Key aspects of compliance with NSW Rural Fire Services, **Planning for Bushfire Protection**, 2006 include;

- Suitable and appropriate APZ's can be provided to the subject development.
- Buildings can be constructed in accordance with the requirements of AS 3959-2009.
- An adequate supply of water is available for firefighting purposes and services such as electricity will be available.
- Adequate and suitable access and egress is available to and from the subject site.
- Emergency and evacuation planning.

This report therefore examines the relevant provisions of NSW Rural Fire Services, **Planning for Bushfire Protection**, 2006 to determine the bushfire protection measures required to be implemented in conjunction with the proposed development.

In NSW, the bushfire protection provisions of the Building Code of Australia, (BCA), are applied to Class 1, 2, 3, Class 4 parts of buildings, some Class 10 buildings and Class 9 buildings that are Special Fire Protection Purposes, (SFPP's). It is noted that the proposed development is subject to the Special Fire Protection Purpose provisions of NSW Rural Fire Services, **Planning for Bushfire Protection**, 2006.

The BCA references AS3959 – 2009 as the Deemed-to-Satisfy (DTS) solution for construction requirements in bushfire prone areas for NSW.

4.0 LOCATION AND SITE DESCRIPTION

4.1 Location Description

The land which is the subject of this report is known as Lot 46 DP 1230717, Seaside Drive, Lake Cathie and is situated within the Port Macquarie-Hastings local government area. It is noted that the subject site forms part of the approved and recently commenced 'Rainbow Beach' Estate.

'Rainbow Beach' Estate is located on the southern fringes of the urban footprint of the coastal village of Lake Cathie; refer **Figure 1** below, within an urban growth area, refer to **Appendix 1**.

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LOT 46 SEASIDE DRIVE, LAKE CATHIE

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Figure 1 - Site Location



Being located in an urban growth area land use in the locality is a mixture of residential, rural residential and rural/bushland lots. The subject site is located in the eastern portion of the recently constructed Stage 4 of the 'Rainbow Beach' Estate, refer to **Appendix 2**.

Forming part of the Area 14 Urban Growth Precinct, (which is located between the existing urbanized areas of Lake Cathie and Bonny Hills), the land within this area has recently and will continue to experience significant urban expansion with residential development expanding into residentially zoned but largely undeveloped land which has had until recently a rural/rural residential land use history and character.

Therefore, the character of the locality is that of an urban fringe area with residential development expanding into residentially zoned parcels of land. Developed residential lots and supporting infrastructure are present in all aspects of the subject site however at distance to the west/southwest is a large undeveloped parcel of land, refer to **Figure 2**.

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Figure 2 – Subject Site

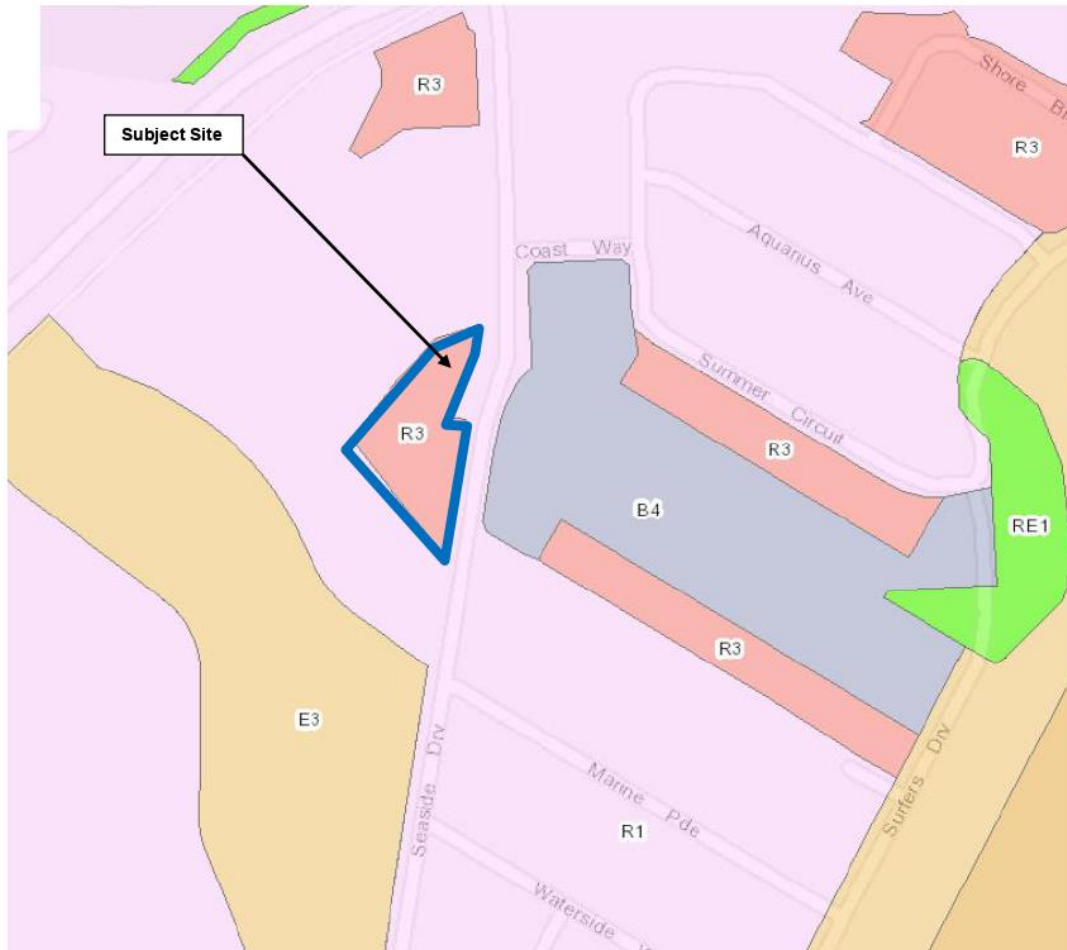


The subject site is zoned, pursuant to Port Macquarie-Hastings Councils LEP, (2011), Medium Density Residential (R3). Land with a residential zoning (R1) and (R3) is present to the north, south, east and west of the subject site whilst Environmental Conservation (E3) land use zonings are present at distance to the west and southwest. Land with a Business (B4) land use zoning is present to the east of the subject site, refer to **Figure 3** below.

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Figure 3 – Land Use Zoning



The subject site is located on the western side slopes of a small hill/ridgeline the crest of which is located at distance to the east/northeast of the subject site. Being located on the western side slopes of the hill/ridgeline the topography in the area is dominated by gentle to moderate east to west down slopes with the land becoming flatter with distance to the west/southwest which reflects the presence of low-lying land and Duchess Creek in this aspect. A north to south cross fall is also present in the locality.

Stage 4 of the 'Rainbow Beach' estate, including the subject site, has been cleared of most of the vegetation as part of the construction of the subdivision. It is noted that the western portion of the estate has been filled. Mechanical disturbance has removed the majority of ground covers, (grasses predominating).

Managed vegetation associated with residential lots and public infrastructure is the dominant vegetation within the adjoining and adjacent developed residential allotments and supporting infrastructure. Vegetation along the north-western boundary of the estate consists of a narrow band of landscaping/managed vegetation before a transition to a narrow area of Forested Wetland which separates the estate from Ocean Drive which is the major connecting road between Port Macquarie in the north and Laurieton in the south. To the

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west/southwest of the estate is a narrow band of Forested Wetland vegetation which retains a riparian context to Duchess Creek which is present to the west and southwest. Beyond the Forested Wetland vegetation to the west and southwest are extensive areas of grasslands.

Access to the subject site is available via Seaside Drive which adjoins the subject site to the east. The public road infrastructure within the estate connects with Ocean Drive which is present at distance to the north of the subject site.

The closest Fire Service is located approximately 1.5 km to the north of the subject site, (Lake Cathie Rural Fire Brigade), with the closest Fire Control Centre being at Wauchope which is 21 kilometres west or 20 minutes by car from Port Macquarie

4.2 Site History

Being to the south of the developed areas of Lake Cathie land uses within the locality, including the subject site, have until recently been dominated by rural and bushland activities.

Forming part of the Area 14 urban growth precinct the land within this area has recently and will continue to experience significant urban expansion with residential development expanding into residentially zoned but undeveloped land. The character of the locality is that of an urban fringe area with residential development expanding into undeveloped parcels of land. It is noted that separate residential subdivisions have recently been completed to the northeast, east and southeast of Stage 4 of 'Rainbow Beach' Estate.

The subject site comprises a single irregularly shaped Torrens Title lot which occupies an area of some 5168m², refer to **Appendix 3**.



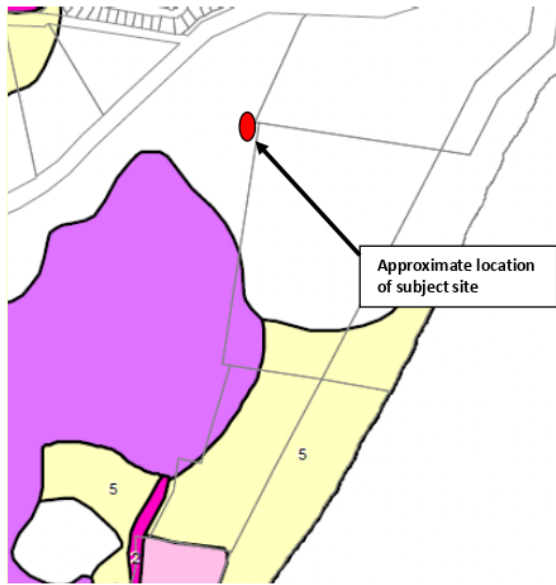
Subject Site –
looking from
the south to
the north

The environmental and heritage features of the subject site are summarized as follows;

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LOT 46 SEASIDE DRIVE, LAKE CATHIE

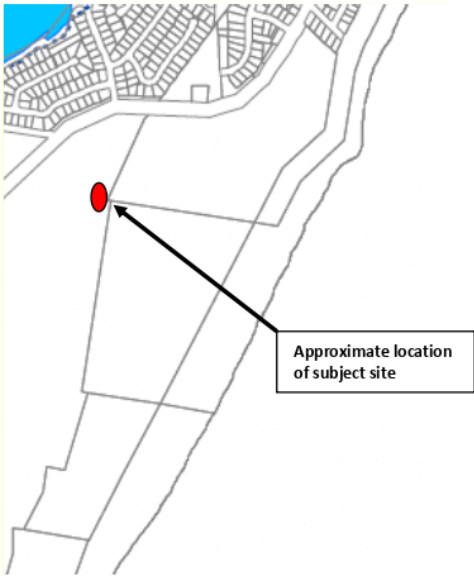
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Table 1 – Environmental and Heritage Features

ENVIRONMENTAL/HERITAGE FEATURE	COMMENT
Riparian Corridors	There are no riparian corridors on the subject site in the area of the proposed development.
SEPP (Coastal Management) 2018	The subject site is not identified as being subject to the SEPP in the area of the proposed development.
SEPP 44 – Koala Habitat	The proposed development is not subject to the application of SEPP 44.
Areas of geological interest	<p>The area of the subject site is not identified as potentially containing acid sulphate soils, refer below.</p> 
Environmental Protection Zones	<p>The subject site currently contains no Environmental Protection Zones.</p> <p>The subject site is zoned, pursuant to Port Macquarie-Hastings Councils LEP, (2011), Medium Density Residential (R3), refer to Figure 3 above.</p> <p>It is however noted that land which has an environmental conservation land use zone (E3) is present at distance to the west/southwest of the subject site. Land with a Business land use zone is located to the east.</p>
Land slip	Given the gentle to moderate nature of the topography of the subject site and surrounding areas, land slip is not considered to be an issue for the subject site.

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Flood prone land	<p>The subject site is not identified as being flood prone land and as such not affected by the probable maximum flood level. As such the flood planning provisions of Port Macquarie-Hastings Councils LEP, 2011 are not applicable to the subject site, refer below.</p> 
National Park Estate or other Reserves	The subject land does not form part of the National Park Estate or other Reserves.
Threatened species, populations, endangered ecological communities and critical habitat	Given the level of historic disturbance of the subject site no threatened flora or fauna species are expected to be present on the subject site.
Ecologically Endangered Communities (EEC's)	Given the level of historic disturbance of the subject site it is unlikely to contain or support EEC's.
OEK Key Habitats and Corridors	The subject site is unlikely to form part of OEK key habitats and corridors
Aboriginal Heritage	Items of aboriginal heritage are unlikely to be present given the active vegetation modification and management which has occurred on the subject site and the level of site disturbance which is likely to have occurred over the years.

5.0 PROPOSED DEVELOPMENT

It is proposed to construct a childcare centre on the subject site, refer to **Appendix 4**.

It is noted that the proposed development incorporates two separate buildings which occupy the northern, southern and western portions of the subject site. Both buildings provide for

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various areas which will be used to support the operation and occupation of a childcare centre on the subject site. It is noted that the separate building which is proposed to be located in the northern portion of the subject site will contain an onsite managers residence which will be used in conjunction with the childcare centre.

Car parking, internal access roads and ancillary use areas, etc. are proposed to be located in the eastern central portion of the subject site.

Access to the proposed development will be via a proposed internal access road system and carparking area which will connect with Seaside Drive which adjoins the subject site along its eastern property boundary.

6.0 BUSHFIRE HAZARD ASSESSMENT

6.1 Assessment Methodology

Several factors need to be considered in determining the bushfire hazard for the subject site. These factors are slope, vegetation type and distance from hazard, access/egress and fire weather. Each of these factors has been reviewed in determining the bushfire protection measures which are applicable to the subject site and proposed development.

An assessment of the slopes and vegetation structures on and surrounding the subject site was carried out by David Pensini - Building Certification and Environmental Services on 15th August 2019.

The assessment of slope and vegetation being carried out in accordance with Appendix 2 of NSW Rural Fire Service, *Planning for Bushfire Protection*, 2006 and Section 2 of AS 3959 - 2009.

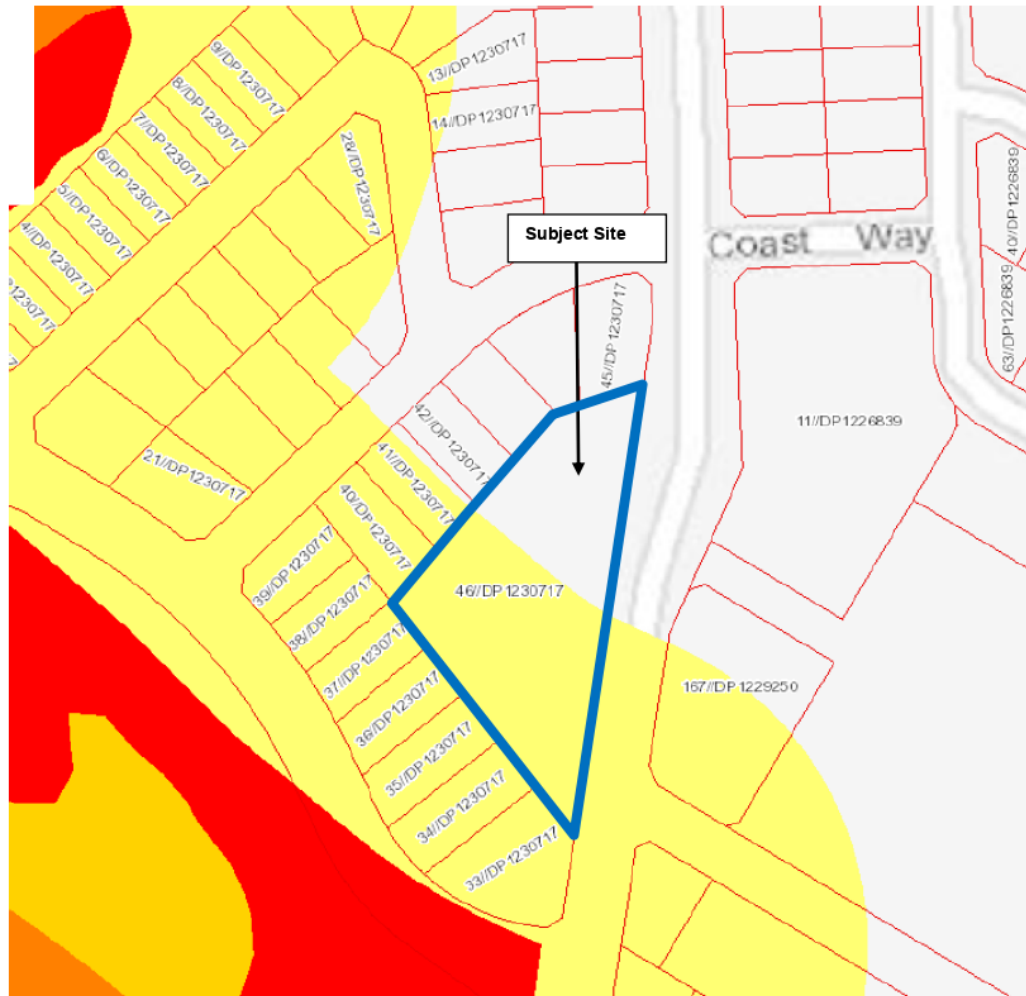
6.2 Hazard Identification

Bushfire Prone Land Risk Mapping provides that vegetation of potential bushfire significance is located to the northwest, west and southwest of the subject site with the subject site being affected by the 100m buffer zone to Category 1 vegetation which is present in these aspects; refer to **Figure 4** below;

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Figure 4 – Bushfire Prone Land Mapping



Inspection of the subject site and surrounds indicates that the bushfire prone land mapping does not accurately indicate the extent of bushfire hazard vegetation in the locality as areas of hazard vegetation have been removed in the western and southwestern aspects as part of the construction of the subdivision which the subject site forms part of. Areas of hazard vegetation are now to the west and southwest of Antigua Avenue.

6.3 Slope Assessment

Slope is a major factor to consider when assessing the bushfire hazard of the proposed development. Therefore, the slope of the subject site and surrounding area, (to a distance of 100m), was measured using a Suunto PM-5/360 PC Clinometer.

The hazard vegetation on the subject site and adjacent and adjoining land was identified and the slopes within the vegetation measured.

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The subject site is located on the western side slopes of a small hill/ridgeline the crest of which is located at distance to the east/northeast of the subject site. Being located on the western side slopes of the hill/ridgeline the topography in the area is dominated by gentle to moderate east to west down slopes with the land becoming flatter with distance to the west/southwest which reflects the presence of low-lying land and Duchess Creek in this aspect. A north to south cross fall is also present in the locality.

The slope conditions on the subject site and on adjoining and adjacent land are shown in **Figure 5** below;

Figure 5 – Topographic Conditions



The hazard vegetation on the subject site and adjacent and adjoining land was identified and the slopes within the vegetation measured. The following table shows the results.

Table 2 – Hazard Vegetation Slopes

HAZARD ASPECT	SLOPE RANGE	UPSLOPE/DOWN SLOPE
Southwest	2° - 4°	Down slope
West	2° - 4°	Down slope

****Note:** In accordance with NSW Rural Fire Services, Planning for Bushfire Protection, 2006 and AS3959 – 2009 all upslope vegetation is considered to be 0°.

All the above slopes were considered when assessing the required Asset Protection Zones and Bushfire Attack Levels for the subject site and proposed development.

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6.4 Vegetation Assessment

The vegetation on and surrounding the subject site was assessed over a distance of 140m from the proposed development.

The vegetation formations were classified using the system adopted as per Keith (2004) and in accordance with Appendix 3 of NSW Rural Fire Service, *Planning for Bushfire Protection*, 2006 and Table 2.3 of AS 3959 - 2009.

6.4.1 Vegetation within Subject Site

The subject site has been cleared of the majority of vegetation as part of the construction of the stage of the subdivision which it forms part of. Mechanical disturbance has removed any pre-existing trees whilst the ground covers have also been removed, (grasses predominating).



Managed
vegetation
within subject
site

Given the nature of the proposed development there will be no areas of bushfire hazard vegetation on the subject site itself once developed as a childcare centre.

6.4.2 Vegetation on Adjoining and Adjacent Land to Subject Site

Developed residential lots are present for in excess of 140m to the north, east and southeast of the subject site and accordingly no areas of hazard vegetation were identified as being present in these aspects.

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Managed
vegetation on
developed
residential lots
to the north of
the subject site



Managed
vegetation on
developed
residential lots
to the
east/southeast
of the subject
site

To the west and southwest of the subject site are residential lots and public road infrastructure before a transition to Swamp Sheoak Forest which fringes the meander of Duchess Creek. Reflecting the mix of vegetation which is present along the western aspect of Stage 4 of the 'Rainbow Beach' Estate a specification similar to Forested Wetland has been adopted for the purposes of this report albeit that a specification reflecting its riparian characteristics could be adopted.

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Forested
Wetland
vegetation to the
southwest of the
subject site



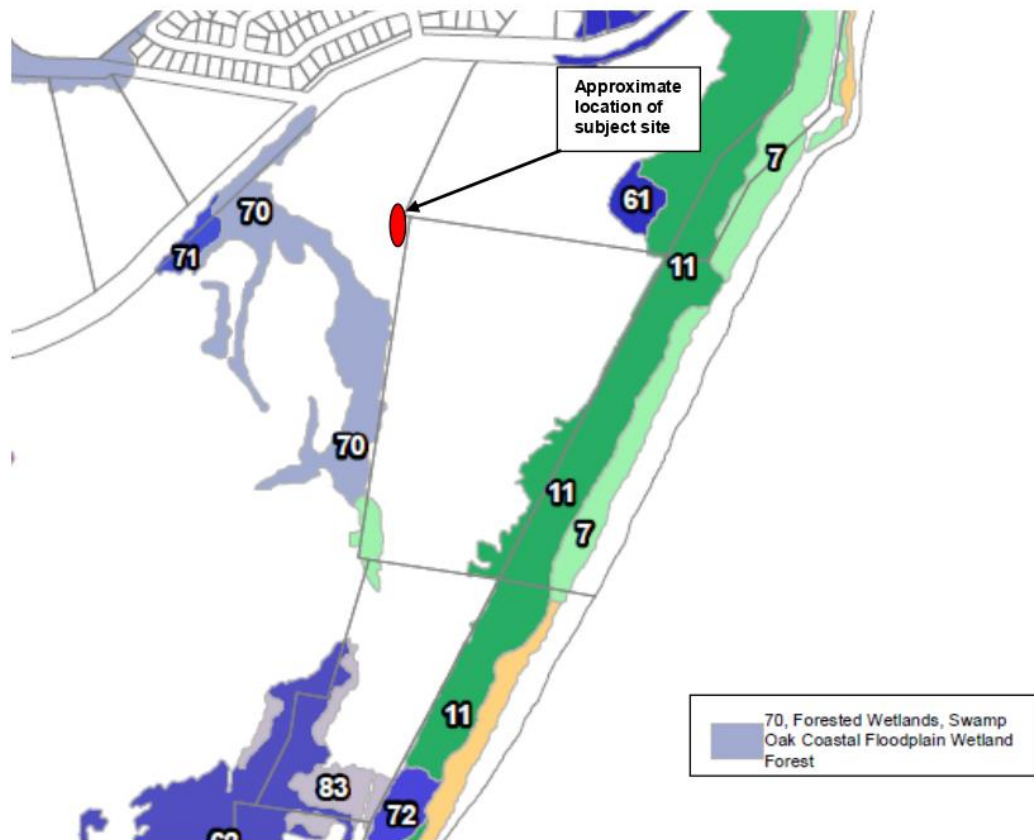
Developed
residential lots
to the west
before a
transition to
Forested
Wetland
vegetation

The initial and subsequent identification of vegetation of bushfire significance to the subject site is consistent with the vegetation mapping which has been undertaken for the area by Port Macquarie Hastings Council, refer to **Figure 6**.

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Figure 6 – Vegetation Mapping (PMHC 2013)

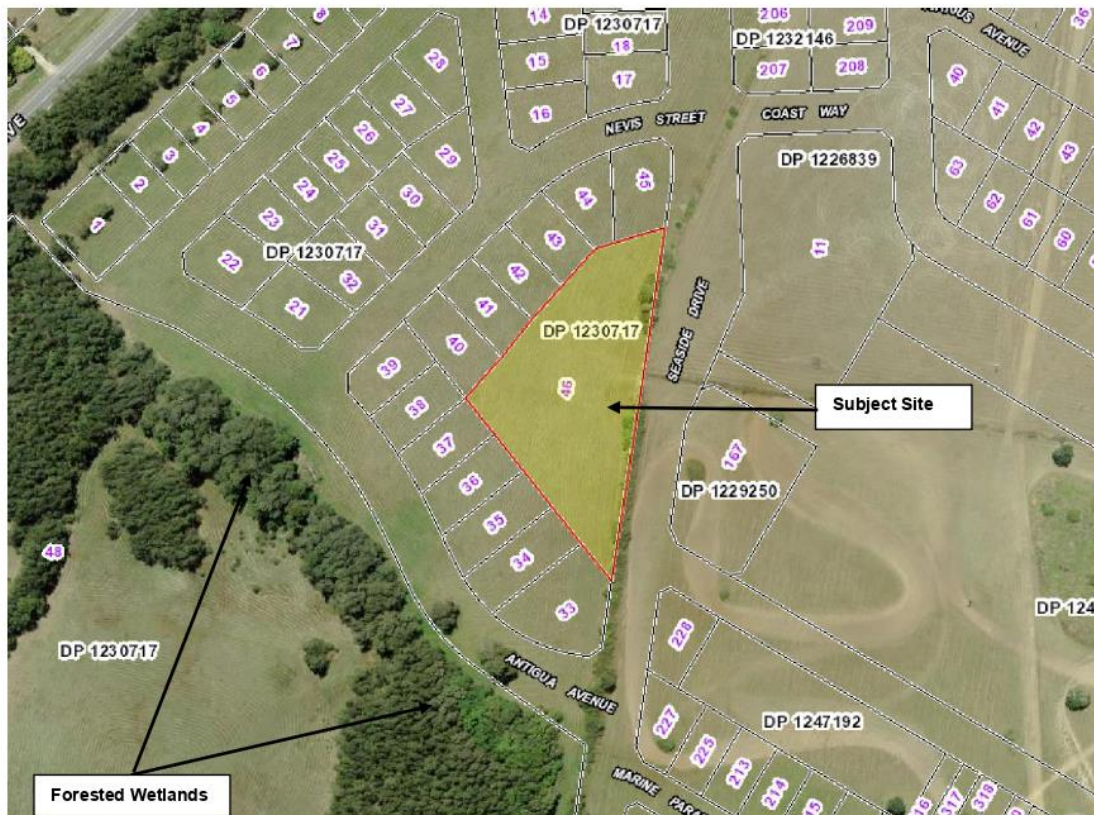


An indication of the relationship of the vegetation of bushfire significance to the proposed development is presented in **Figure 7** below.

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Figure 7 - Vegetation Relationships to Subject Site



The following table summarizes the various vegetation structures which are of bushfire significance to the proposed development.

Table 3 – Summary of Vegetation Characteristics

ASPECT	VEGETATION DESCRIPTION	VEGETATION CLASSIFICATION – (Keith, 2004)
West/Southwest	Forested Wetland vegetation on land to the west/southwest of Stage 4 of the 'Rainbow Beach' Estate	Similar in specification to Forested Wetland

6.5 Fire Danger Index

The fire weather for the site is assumed on the worst-case scenario. In accordance with NSW Rural Fire Services, *Planning for Bushfire Protection*, 2006 and Table 2.1 of AS 3959 - 2009, the fire weather for the site is based upon the 1:50 year fire weather scenario and has a Fire Danger Index (FDI) of 80.

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6.6 Fauna and Flora Issues

A fauna and flora evaluation has not been undertaken in conjunction with this bushfire hazard assessment and as such issues pertaining to fauna and flora are outside the scope of this report.

7.0 BUSHFIRE THREAT REDUCTION MEASURES

The following bushfire issues and constraints have been identified through considering the requirements of NSW Rural Fire Service, *Planning for Bushfire Protection*, 2006 in relation to the proposed development.

In order to reduce the bushfire threat, it is suggested the following measures be included in any strategy developed for the proposed development.

7.1 NSW Rural Fire Services, Planning for Bushfire Protection, 2006

7.1.1 Provision of Defendable Space/Asset Protection Zone

A Defendable Space/Asset Protection Zone (APZ) is to accompany the proposed development and is to be positioned on the hazard side of the development. The APZ provides for; minimal separation for safe firefighting, reduced radiant heat, reduced influence of convection driven winds, reduced ember viability and dispersal of smoke. The APZ consists of an Inner Protection Area (IPA) and Outer Protection Area (OPA).


The IPA is an area closest to the buildings that incorporates defendable space and is used for managing heat intensities at the building surface. The OPA is positioned adjacent to the hazard and the purpose of the OPA is to reduce the potential length of flame by slowing the rate of spread, filtering embers and suppressing the crown fire.

It is noted that this type of development requires APZ's in accordance with the Special Fire Protection Purpose (SFPP) requirements of NSW Rural Fire Service, *Planning for Bushfire Protection*, 2006.

APZ's in SFPP situations must be such that radiant heat levels of greater than 10kW/m² will not be experienced by occupants or emergency workers entering or exiting a building.

The following table indicates the minimum Asset Protection Zones required from the hazard vegetation to the development which is the subject of this report. The table is based upon the vegetation type, slopes and fire weather (FDI) which is applicable to this assessment.

Table 4 – APZ Requirements for Development

ASPECT	VEGETATION	SLOPE	TOTAL REQUIRED APZ			MINIMUM AVAILABLE APZ within Property Boundaries (Worst Case)	COMPLIANCE with Minimum APZ Requirements
			IPA	OPA	APZ		
West/Southwest	Forested Wetland	2° - 4° Down slope	60m	-	60m	>65m	

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Having regard to the above the minimum required APZ's which would be applicable to the proposed development **can** be achieved for the development of the subject site.


The APZ acceptable solution provisions which apply to SFPP developments are detailed in the following table:

Table 5 – APZ Performance Requirements (SFPP)

Intent of measures: to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants.		
Performance Criteria	Acceptable Solutions	Compliance Comment
The intent may be achieved where:		
Radiant heat levels of greater than 10kW/m ² will not be experienced by occupants or emergency workers entering or exiting a building	An APZ is provided in accordance with the relevant tables/ figures in Appendix 2 of NSWRFs Planning for Bushfire Protection 2006	✓ The minimum required asset protection zones can be provided to the proposed childcare centre – refer to Table 4 of this report.
	Exits are located away from the hazard side of the building.	✓ The design of the proposed childcare centre provides for exits being located away from the hazard side of the buildings.
	The APZ is wholly within the boundaries of the development site. Exceptional circumstances may apply (see section 3.3 of NSWRFs Planning for Bushfire Protection 2006)	✓ The minimum required asset protection zones can be provided either within the property boundaries of the subject site or by utilizing the adjacent managed areas.
Applicants demonstrate that issues relating to slope are addressed: maintenance is practical, soil stability is not compromised and the potential for crown fire is negated.	Mechanisms are in place to provide for the maintenance of the APZ over the life of the development.	✓ All APZ's can be maintained over the life of the development.
	The APZ is not located on lands with a slope exceeding 18 degrees.	✓ All APZ's are to be located on gently sloping land.
APZs are managed and maintained to prevent the spread of fire towards the building.	In accordance with the requirements of Standards for Asset Protection Zones (RFS, 2005) <i>Note: A Monitoring and Fuel Management Program should be required as a condition of development consent.</i>	✓ APZ's will need to be created and maintained to the standards which are applicable to Inner Protection Areas.

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Vegetation is managed to prevent flame contact and reduce radiant heat to buildings, minimise the potential for wind driven embers to cause ignition and reduce the effect of smoke on residents and fire fighters.	Compliance with Appendix 5.	 Landscaping and vegetation management will comply with the requirements of Appendix 5.
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Therefore, the acceptable solution, ('Deemed-to-Satisfy'), provisions for APZ's as detailed in Table A2.6 of NSW Rural Fire Services, *Planning for Bushfire Protection*, 2006 can be achieved for the proposed childcare centre.

It is further noted that the design of the proposed childcare centre can provide for exits to be shielded from areas of bushfire vegetation through their positioning and the presence of developed residential allotments in the western/southwestern aspects.

In conjunction with the proposed APZ's the shielding provided to the proposed building entries/exits would ensure that radiant heat levels no greater than 10kW/m² would be experienced by occupants or emergency workers entering or exiting the proposed childcare centre.

7.1.2 Defendable Space/Asset Protection Zone Management

The land within the subject site must be managed so as to comply with the standards which are applicable to Asset Protection Zones as follows;

Inner Protection Area

An IPA should provide a tree canopy cover of less than 15% and should be located greater than 2 metres from any part of the roofline of a building.

Garden beds of flammable shrubs are not to be located under trees and should be no closer than 10m from an exposed window or door.

Trees should have lower limbs removed up to a height of 2 metres above the ground

A concept plan for the provision of APZ's to the proposed development is included as **Appendix 5**.

7.1.3 Operational Access and Egress

Access to the proposed development is proposed to be via the approved public road system servicing Stage 4 of the 'Rainbow Beach' Estate. In this regard access to and egress from the subject site is available principally via Seaside Drive which adjoins the subject site to the east.

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Seaside Drive
to the east of
the subject site

Travel to and from the subject site is principally from the north using Seaside Drive from areas which would be protected from the impacts of bushfire. In this regard Seaside Drive is an all-weather two-way, bitumen sealed public road.

Travel via the existing approved public road infrastructure provides for connection with Ocean Drive which is the main connecting road between the major urban areas of Port Macquarie in the north and Laurieton to the south.



Ocean Drive to
the north of the
subject site

Given the relationship of the proposed development with existing and impending urban development in the locality it is considered that access and egress to and from the proposed development can be provided in compliance with the relevant requirements of NSW Rural Fire Services, *Planning for Bushfire Protection*, 2006.

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However, in order to provide for compliant access and egress to the proposed childcare centre it will be necessary to provide for an internal access road which comply with the internal access road requirements of Section 4.1.3 of NSW Rural Fire Services, *Planning for Bushfire Protection*, 2006. The specific internal road design requirements provided for in Section 4.2.7 of NSW Rural Fire Services, *Planning for Bushfire Protection*, 2006 are also required to be complied with. The relevant internal road provisions which are applicable to the proposed development are summarized as follows;

Table 6 - Acceptable Solutions (Access/Internal Roads)

Intent of measures: to provide safe access to/from the public road system for firefighters providing property protection during a bush fire and for occupants faced with evacuation.		
Performance Criteria	Acceptable Solutions	Compliance Comment
The intent may be achieved where:		
Access to properties is provided in recognition of the risk to fire fighters and/ or evacuating occupants.	At least one alternative property access road is provided for individual dwellings (or groups of dwellings) that are located more than 200 metres from a public through road	✓ It is noted that the proposed development is located <200m from Seaside Ocean Drive and as such an alternative property access road is not required.
The capacity of road surfaces and bridges is sufficient to carry fully loaded fire fighting vehicles.	Bridges clearly indicate load rating and pavements and bridges are capable of carrying a load of 15 tonnes.	✓ No bridges are proposed.
All weather access is provided.	Roads do not traverse a wetland or other land potentially subject to periodic inundation (other than a flood or storm surge).	✓ Roads will be all weather in design and construction.
Internal road widths and design enable safe access for emergency services and allow crews to work with equipment about the vehicle	Internal roads are two-wheel drive, sealed, all weather roads. Internal perimeter roads are provided with at least two traffic lane widths (carriageway 8 meters minimum kerb to kerb) and shoulders on each side, allowing traffic to pass in opposite directions; Roads are through roads. Dead end roads are not more than 100m in length from a through road, incorporate a minimum 12 meters outer radius turning circle, and are clearly signposted as a dead end; Traffic management devices are constructed to facilitate access by	✓ The design and construction of roads is to provide for compliance with the relevant design and construction provisions. The design of the internal road system provides for a through road configuration with access and egress from the proposed buildings connecting directly with the public road system. Due to the design of the internal access road and associated carparking areas sufficient and suitable turning opportunities are available for emergency service vehicles (including RFS tankers) so as to

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	<p>emergency service vehicles;</p> <p>A minimum vertical clearance of four meters to any overhanging obstructions, including tree branches, is provided;</p> <p>Curves have a minimum inner radius of six meters and are minimal in number to allow for rapid access and egress;</p> <p>The minimum distance between inner and outer curves is six meters;</p> <p>Maximum grades do not exceed 15 degrees and average grades are not more than 10 degrees;</p> <p>Cross fall of the pavement is not more than 10 degrees;</p> <p>Roads do not traverse through a wetland or any other land potentially subject to periodic inundation (other than flood or storm surge);</p> <p>Roads are clearly sign posted and bridges clearly indicate load ratings;</p> <p>The internal road surfaces and bridges have a capacity to carry fully loaded fire fighting vehicles (15 tonnes);</p>	<p>allow for the forwards movement of vehicles to and from the subject site.</p>
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It is considered that the proposed access arrangements are acceptable for the proposed development having regard to the nature, construction and extent of the existing public road infrastructure which is present and the internal road system which is proposed to be provided.

7.1.4 Services - Water, Gas and Electricity

As set out in Section 4.2.7 of NSW Rural Fire Services, *Planning for Bushfire Protection*, 2006, Special Fire Protection Purpose Developments in bushfire prone areas must maintain a water supply reserve dedicated to firefighting purposes.

The development of the subject site will involve the extension of the reticulated town water supply which currently services the residential development within the locality. The provision of a reticulated town water supply will provide a water supply that is available for firefighting purposes. It is however noted that in accordance with NSW Rural Fire Services, *Planning for*

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Bushfire Protection, 2006 the determination of a guaranteed water supply is to be made by the water supply authority where mains water supply is available.


Electricity supply is available and is available for connection to the proposed development.

Reticulated gas services are not available to the site; however, any reticulated or bottled gas supply is to be installed and maintained in accordance with AS1596 and the requirements of the relevant authorities. Metal piping is to be used. All fixed gas cylinders are to be kept clear of all flammable materials to a distance of 10m and shielded on the hazard side of the installation.

If gas cylinders need to be kept close to a building, the release valves are to be directed away from the building and at least 2m away from any combustible material, so that they do not act as a catalyst to combustion. Connects to and from gas cylinders need to be metal. Polymer sheathed flexible gas supply lines to gas meters adjacent to buildings are not to be used.



The incorporation into the proposed development of the relevant provisions of the following acceptable solutions as provided for by Sections 4.1.3 and 4.2.7 of NSW Rural Fire Services, **Planning for Bushfire Protection**, 2006 will ensure compliance with the intent for the provision of services to the proposed childcare centre.

Table 7 - Service Provision Requirements (PfBP 2006)

<i>Intent of measures: to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building</i>		
Performance Criteria	Acceptable Solutions	Compliance Comment
The intent may be achieved where:		
Reticulated water supplies Reticulated water supplies are easily accessible and located at regular intervals	Access points for reticulated water supply to SFPP developments incorporate a ring main system for all internal roads. Fire hydrant spacing, sizing and pressures comply with AS 2419.1 – 2005. Where this cannot be met, the RFS will require a test report of the water pressures anticipated by the relevant water supply authority, once development has been completed. In such cases, the location, number and sizing of hydrants shall be determined using the fire engineering principles. No services or hydrants are	 The proposed development will have access to the reticulated water supply which services the urban area. The water supply is to be designed and constructed so as to comply with the relevant requirements.

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	located within the parking bays	
Electricity Location of electricity services will not lead to ignition of surrounding bushland or the fabric of buildings or risk to life from damaged electrical infrastructure	Electrical transmission lines are underground	 To comply.
Gas Location of gas services will not lead to ignition of surrounding bushland or the fabric of buildings	<p>Reticulated or bottled gas is installed and maintained in accordance with AS 1596 and the requirements of relevant authorities. Metal piping is to be used.</p> <p>All fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and shielded on the hazard side of the installation.</p> <p>If gas cylinders need to be kept close to the building, the release valves are directed away from the building and at least 2 metres away from any combustible material, so that they do not act as a catalyst to combustion. Connections to and from gas cylinders are metal.</p> <p>Polymer sheathed flexible gas supply lines to gas meters adjacent to buildings are not used.</p>	 Reticulated gas supplies are not available within the area. Gas bottles and other sources of ignition are stored away from the hazard and also in positions to reduce the risk.

7.1.5 Emergency Evacuation Planning

Special Fire Protection Purpose developments should have suitable management arrangements and structures capable of developing and implementing an Emergency Plan.

Therefore before occupation of the proposed childcare centre, a Emergency Evacuation Plan incorporating bushfire evacuation will be required to be produced for the proposed development.

Compliance with the following acceptable solutions as provided for by Section 4.2.7 of NSW Rural Fire Services, *Planning for Bushfire Protection*, 2006 will ensure compliance with the

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intent for Emergency Evacuation Planning before occupation of the proposed childcare centre development.

Table 8 - Acceptable Solutions for Emergency and Evacuation

Intent of measures: to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments		
Performance Criteria	Acceptable Solutions	Compliance Comment
The intent may be achieved where:		
An Emergency and Evacuation Management Plan is approved by the relevant fire authority for the area.	An emergency evacuation plan is prepared consistent with the RFS Guidelines for the preparation of <i>Emergency/Evacuation Plan</i> . Compliance with AS 3745-2002 'Emergency control organization and procedures for buildings, structures and workplaces for residential accommodation.'	✓ To comply
Suitable management arrangements are established for consultation and implementation of the emergency and evacuation plan.	An Emergency Planning Committee is established to consult with residents (and their families in the case of schools) and staff in developing and implementing an Emergency Procedures Manual. Detailed plans of all Emergency Assembly Areas including "onsite" and "offsite" arrangements as stated in AS 3745-2002 are clearly displayed, and an annual (as a minimum) trial emergency evacuation is conducted.	✓ To comply

7.1.6 Landscaping

Landscaping is a major cause of fire spread to buildings and therefore any future landscaping in conjunction with the proposed development will need careful planning to produce gardens that do not contribute to the spread of a bushfire.

Appendix 5 of NSW Rural Fire Services, **Planning for Bushfire Protection**, 2006, contains standards that are applicable to the provision and maintenance of landscaping. Any landscaping proposed to be undertaken in conjunction with the proposed childcare centre is to comply with the principles contained in Appendix 5 of NSW Rural Fire Services, **Planning for Bushfire Protection**, 2006.

Compliance with Appendix 5 of **NSW Rural Fire Services, Planning for Bushfire Protection**, 2006, will satisfy the intent of the bush fire protection measures that are applicable to the provision of landscaping.

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7.1.7 Construction Requirements

It is noted that Appendix 3 of NSW Rural Fire Service, *Planning for Bushfire Protection*, 2006 now contains specific construction requirements which the NSW Rural Fire Service will seek to impose, through the development control process, in addition to the construction requirements contained within AS3959 – 2009.

Accordingly, the determination of the construction requirements which will be applicable to any specific development proposal will need to have regard to the construction requirements nominated in Appendix 3 of NSW Rural Fire Service, *Planning for Bushfire Protection*, 2006 in addition to the requirements of AS3959 – 2009.

The construction requirements that will be applicable to the proposed childcare centre are further discussed in Section 7.2 of this report.

7.2 AS3959 – 2009 Construction of Buildings in Bushfire Prone Areas

7.2.1 General

The bushfire construction requirements of the Building Code of Australia for Special Fire Protection Purpose developments are now applicable in NSW. In this regard the Building Code of Australia provides that compliance with the relevant requirements of AS3959 – 2009 satisfies the performance requirements which are applicable to the Building Code of Australia.

It is however noted that there are a number of NSW variations to the application of AS3959 – 2009 including a restriction on the utilization of the Bushfire Attack Level – Flame Zone requirements of the Australian Standard as a 'deemed to satisfy solution' for these situations. Consequently, in NSW all situations which are determined as being subject to the Bushfire Attack Level – Flame Zone requirements of AS3959 – 2009 must be treated on merit with construction requirements being determined on a specific site assessment basis.

The following assessment will determine the worst-case construction requirements which are applicable to the construction of the proposed childcare centre buildings on the subject site as a consequence of the proposed development.

7.2.2 Vegetation

To complete the assessment under AS 3959 (2009) the vegetation, as originally assessed in accordance with Keith, has to be converted to Specht. The following table shows the conversion:

Table 9 – Summary of Vegetation Characteristics

ASPECT	VEGETATION CLASSIFICATION – (Keith, 2004)	VEGETATION CLASSIFICATION – (Specht)
West/Southwest	Forested Wetland	Forest

** Refer to Appendix 3 of NSW Rural Fire Services, *Planning for Bushfire Protection*, 2006.

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7.2.3 AS3959 – 2009 Construction of Buildings in Bushfire Prone Areas

The following construction requirements in accordance with AS 3959 – 2009 *Construction of Buildings in Bushfire Prone Areas* is required for the bushfire attack level categories.

Table 10 – Bushfire Attack Levels

BUSHFIRE ATTACK LEVEL (BAL)
No construction requirements under AS 3959-2009
BAL - 12.5
BAL - 19
BAL - 40
BAL - FZ

Based upon the information presented in Section 6 of this report the following worst-case Bushfire Attack Levels pursuant to AS3959 – 2009 have been determined as being applicable to the proposed childcare centre buildings.

It is noted that the following BAL assessment has been based upon the provision of the required Asset Protection Zones as provided for by **Table 4** of this report.

Table 11 – Bushfire Attack Levels for Nominated Vegetation Classifications and Slopes

ASPECT	VEGETATION CLASSIFICATION	DISTANCE (of Buildings from Hazard Vegetation)	SLOPE	BUSHFIRE ATTACK LEVEL (BAL)
South/Southeast	Forest	>65m	2° - 3° Downslope	BAL 12.5

The information presented in the above table indicates that under the worst case spatial separation scenario between the proposed childcare centre buildings and areas of bushfire hazard vegetation the proposed development would be subjected to a Bushfire Attack Level of 12.5 by virtue of the vegetation which is present in the western and southwestern aspects of the subject site.

8.0 SUMMARY OF REQUIREMENTS

The following requirements are considered to be integral to this bushfire hazard assessment in relation to the proposed development of the subject site for the purposes of a childcare centre;

- (i) An Emergency and Evacuation Plan is to be prepared for the proposed childcare centre.
- (ii) Ensure that gas bottles and other sources of ignition are stored away from the hazard and also in positions to reduce the risk.
- (iii) Adopt Landscaping principals in accordance with the report.
- (iv) All areas of the subject site are to be created and maintained so as to meet the standards which are applicable to Inner Protection Areas, refer to Sections 7.1.1 and 7.1.2 of this report.

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- (v) Water and other services are to be provided as detailed in Section 7.4 of this report are to be provided to the proposed development.
- (vi) The construction of the proposed childcare centre buildings is to comply with the BAL 12.5 construction requirements of AS 3959 -2009, refer to **Appendix 5** (as amended by NSW Rural Fire Services, *Planning for Bushfire Protection*, 2006).
- (vii) The design and construction of the new internal road system servicing the proposed childcare centre is to comply with the acceptable solutions provided for in Sections 4.1.3 and 4.2.7 of NSW Rural Fire Services, *Planning for Bushfire Protection*, 2006.

9.0 CONCLUSION

It is suggested that with the implementation of this report, and its recommendations, that the bushfire risk for the proposed childcare centre development on land which is known as Lot 46 DP 1230717 Seaside Drive is manageable, and the impact of bushfires to property and community will be significantly reduced beyond that which currently exists.

This report has shown that the proposed development will meet the relevant acceptable solutions of NSW Rural Fire Services, *Planning for Bushfire Protection*, 2006 pertaining to Special Fire Protection Purpose developments.

This report is however contingent upon the following assumptions and limitations.

9.1 Assumptions

- (i) For a satisfactory level of bushfire safety to be achieved regular inspection and testing of proposed measures, building elements and methods of construction, specifically nominated in this report, is essential and is assumed in the conclusion of this assessment.
- (ii) It is assumed that the building works will comply with the DTS provisions of the BCA including the relevant requirements of Australian Standard 3959 – 2009.
- (iii) The buildings are constructed and maintained in accordance with the risk reduction strategy in this report.

9.2 Limitations

- (i) The data, methodologies, calculations and conclusions documented within this report specifically relate to the building and must not be used for any other purpose.
- (ii) A reassessment will be required to verify consistency with this assessment if there is building alterations and/or additions, change in use, or changes to the risk reduction strategy contained in this report.
- (iii) This report has been based upon the vegetation characteristics observed at the time of the site inspections. No responsibility is taken where the

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vegetation characteristics of the subject site or surrounding areas is changed or modified beyond that which is presented within this report.

10.0 REFERENCES

NSW Rural Fire Services, *Planning for Bushfire Protection*, 2006

AS 3959-2009 *Construction of Buildings in Bushfire Prone Areas*

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Geoffrey C, Lindenmayer D, Dovers S 2003, *Australia Burning, Fire Ecology, Policy and Management Issues*, CSIRO Publishing

Cheney P and Sullivan A 1997, *Grassfires, fuel, weather and fire behaviour*, CSIRO Publishing

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Disclaimer

The findings referred to in this report are those which, in the opinion of the author, are required to meet the requirements of NSW Rural Fire Service, *Planning for Bushfire Protection*, 2006. It should be noted that the Local Authority having jurisdiction for the area in which the property is located may, within their statutory powers, require different, additional or alternative works/requirements to be carried out other than those referred to in this report.

This report has been prepared partially on information provided by the client. Information provided by the client in respect of details of construction.

The author denies any legal liability for action taken as a consequence of the following:

- The Local Authority requiring alternative or additional requirements to those proposed or recommended in this report.
- Incorrect information, or misinformation, provided by the client with regard the proposed building which are in good faith included in the strategies proposed in this report and later found to be false.

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APPENDIX 1

'Rainbow Beach' Estate Concept



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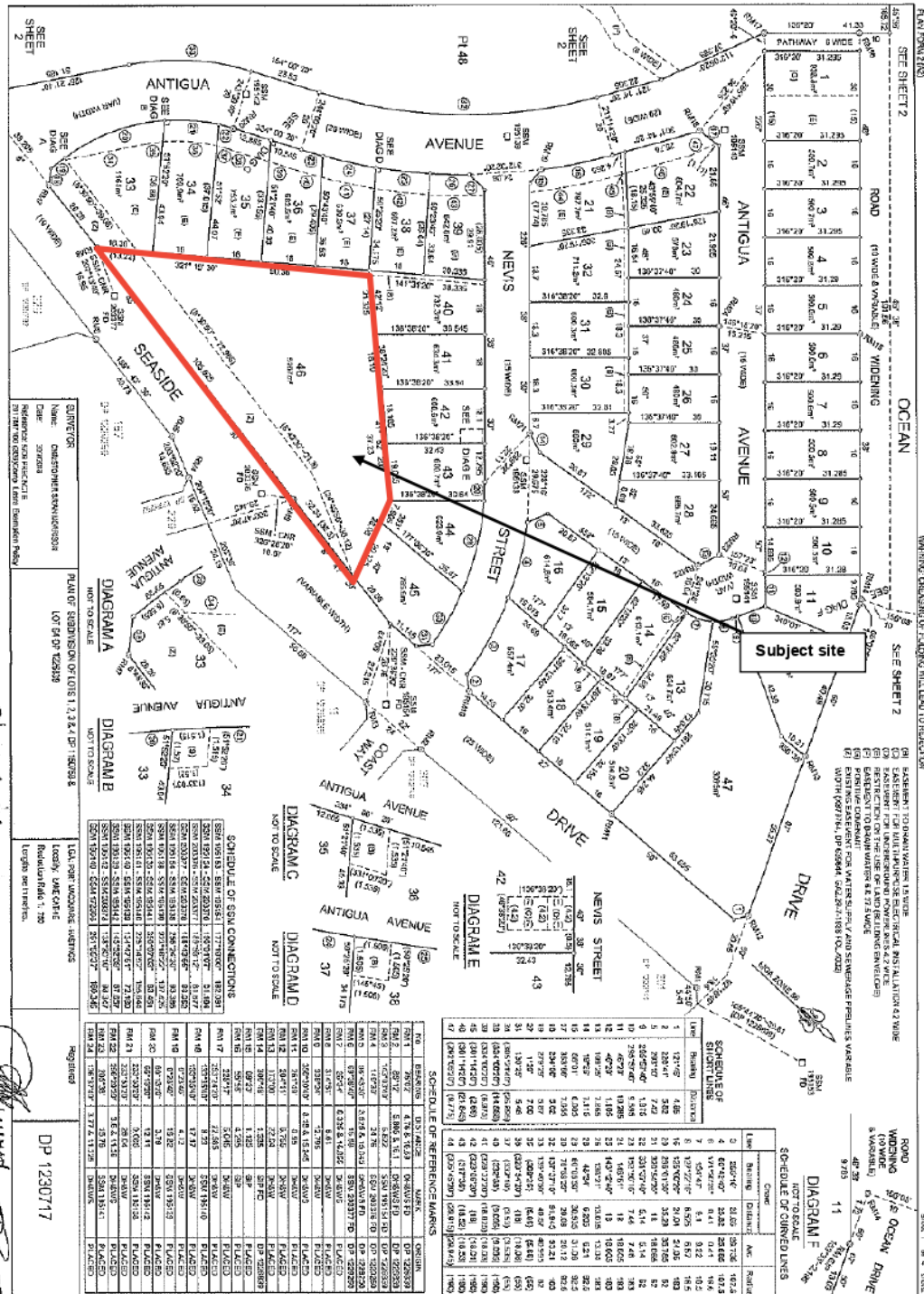
APPENDIX 2

Stage 4 of the 'Rainbow Beach' Estate Subdivision



BUSHFIRE HAZARD ASSESSMENT
CHILD CARE CENTRE
LOT 46 SEASIDE DRIVE, LAKE CATHIE

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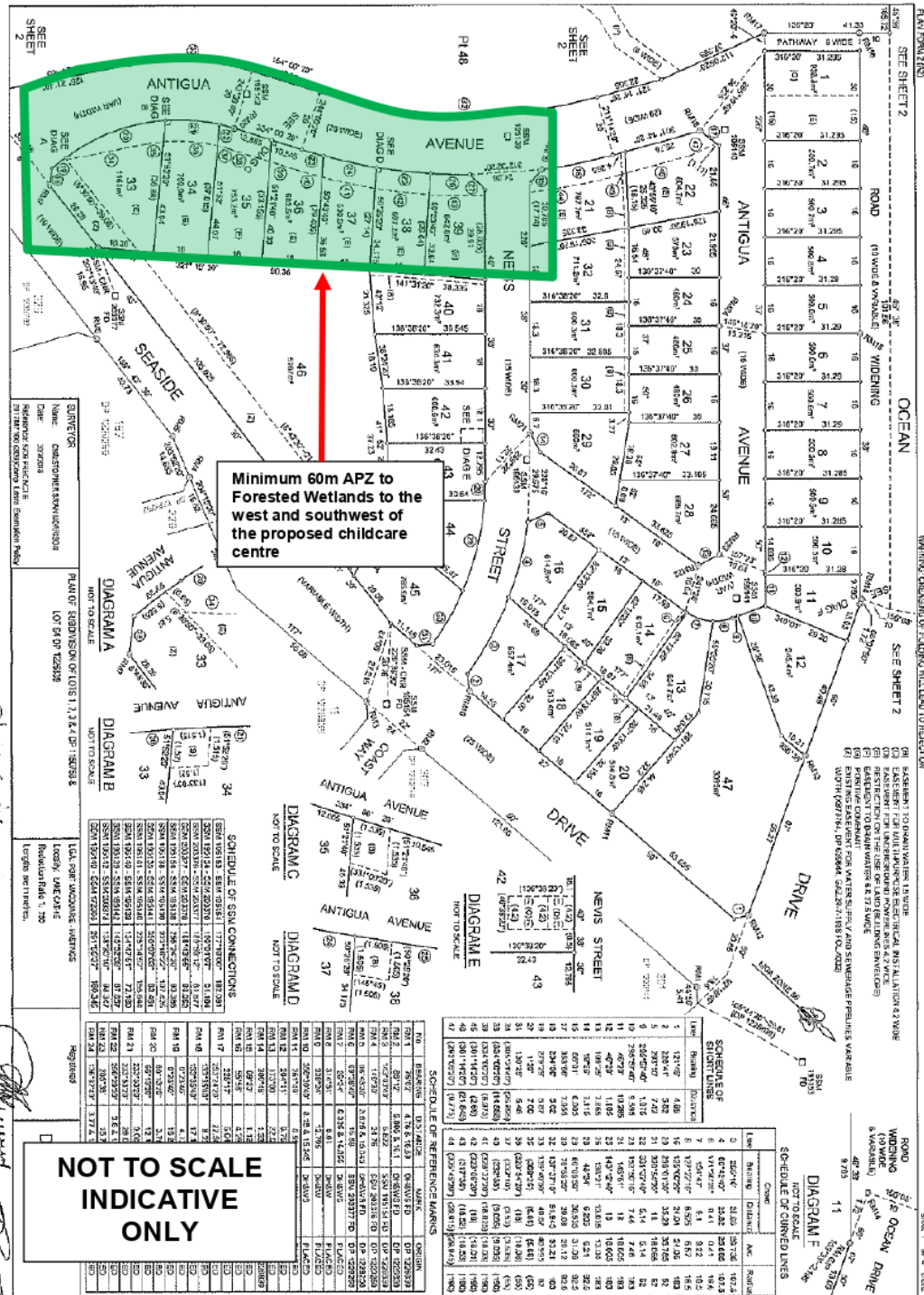
APPENDIX 3
Subject Site

AUGUST 2019

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APZ Concept Plan (Childcare Centre)



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APPENDIX 6

BAL 12.5 Construction Requirements

CONSTRUCTION FOR BUSHFIRE ATTACK LEVEL 12.5 (BAL-12.5) Version 2.2

Part of Building	Specifically	Construction requirements in accordance with AS 3959-2009 and Appendix 3 (2010) of Planning for Bushfire Protection (2006)
Subfloor supports		<p>This standard does not provide construction requirements for subfloor supports where the subfloor space is enclosed with:</p> <ul style="list-style-type: none"> (a) a wall that complies with Clause 7.4 of AS 3959-2009; or (b) Corrosion resistant steel, bronze or aluminium mesh or perforated sheet with a maximum aperture size of 2 mm; or (c) a combination of items above. <p>Where the subfloor space is unenclosed, the support posts, columns, stumps, piers and poles shall be:</p> <ul style="list-style-type: none"> (i) of non-combustible material; or (ii) of bushfire-resisting timber (see Appendix F of AS 3959-2009); or (iii) a combination of items above. <p>NOTE: This requirement applies to the principal building only and not to verandas, decks, steps, ramps and landings (see Clause 7.7)</p>
Floors	Concrete slabs on ground	This Standard does not provide construction requirements for concrete slabs on the ground.
	Elevated floors	<p>Enclosed subfloor</p> <p>This standard does not provide construction requirements for elevated floors, including bearers, joists and flooring, where the subfloor space is enclosed with</p> <ul style="list-style-type: none"> (a) a wall that complies with Clause 7.4 of AS 3959-2009; or (b) corrosion-resistant steel, bronze or aluminium mesh or perforated sheet with a maximum aperture size of 2 mm; or (c) a combination of items above. <p>Unenclosed subfloor space</p> <p>Where the subfloor space is unenclosed, bearers, joists and flooring, less than 400 mm above finished ground level, shall be one of the following:</p> <ul style="list-style-type: none"> (a) Materials that comply with the following: <ul style="list-style-type: none"> (i) Bearers and joists shall be- <ul style="list-style-type: none"> (A) non-combustible; or (B) bushfire-resisting timbers (see Appendix F of AS 3959-2009) ; or (C) a combination of items above. (ii) Flooring shall be- <ul style="list-style-type: none"> (A) non-combustible; or (B) bushfire-resisting timbers (see Appendix F of AS 3959-2009); or (C) timber (other than bushfire-resisting timber), particle board or plywood flooring where the underside is lined with sarking-type material mineral wool insulation; or (D) a combination of items above; or (b) A system complying with AS 1530.8.1

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		This standard does not provide construction requirements for elements which are 400 mm or more above finished ground level.
External walls	Walls	<p>The exposed components of an external wall that are less than 400 mm from the ground or less than 400 mm above decks, carport roofs, awnings and similar elements or fittings having an angle less than 18 degrees to the horizontal and extending more than 110 mm in width from the wall (see Figure D3, Appendix D of AS3959 - 2009) shall be:</p> <p>(a) Non-combustible material.</p> <p>NOTE: Examples include, but are not limited to, the following (with a minimum of 90 mm in thickness):</p> <p>(a) Full masonry or masonry veneer walls with an outer leaf of clay, concrete, calcium silicate or natural stone.</p> <p>(b) Precast or in situ walls of concrete or aerated concrete.</p> <p>(c) Earth wall including mud brick.</p> <p>or</p> <p>(b) Timber logs of a species with a density of 680 kg/m³ or greater at a 12 percent moisture content; of a minimum nominal overall thickness of 90 mm and a minimum thickness of 70 mm (see Clause 3.11 of AS3959 - 2009); and gauge planed.</p> <p>or</p> <p>(c) Cladding that is fixed externally to a timber-framed or a steel-framed wall and is—</p> <p>(i) non-combustible material; or</p> <p>(ii) fibre-cement a minimum of 6 mm in thickness; or</p> <p>(iii) bushfire-resisting timber (see Appendix F of AS3959 - 2009); or</p> <p>(iv) a timber species as specified in Paragraph E1, Appendix E of AS3959 - 2009; or</p> <p>(v) a combination of any of Items (i), (ii), (iii) or (iv) above.</p> <p>or</p> <p>(d) A combination of any of Items (a), (b) or (c) above.</p> <p>This Standard does not provide construction requirements for the exposed components of an external wall that are 400 mm or more from the ground or 400 mm or more above decks, carport roofs, awnings and similar elements or fittings having an angle less than 18 degrees to the horizontal and extending more than 110 mm in width from the wall (see Figure D3, Appendix D of AS3959 - 2009).</p>
	Joints	All joints in external surface material of walls be covered, sealed, overlapped, backed or butt jointed to prevent gaps greater than 3 mm.
	Vents and weep holes	Vents and weepholes in external walls shall be screened with a mesh with a maximum aperture of 2 mm, made of corrosion-resistant steel, bronze or aluminium, except where the vents and weepholes have an aperture less than 3 mm (see Clause 3.6 of AS3959-2009), or are located in an external wall of a subfloor space.
External glazed elements and assemblies and external doors.	Bushfire shutters	<p>Where fitted, bushfire shutters must comply with Clause 3.7 of AS 3959-2009 and be made from-</p> <p>(a) Non-Combustible material; or</p> <p>(b) A timber species as specified in Paragraph E1 Appendix E of AS 3959-2009; or</p> <p>(c) Bushfire-resisting timber (see Appendix F of AS 3959-2009); or</p> <p>(d) A combination of any items (a) (b) or (c) above.</p>

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	Screens for windows and doors	<p>Where fitted, screens for windows and doors shall have corrosion-resisting steel, bronze or aluminium mesh or perforated sheet with a maximum aperture size of 2 mm. Gaps between the perimeter of the screen assembly and the building elements to which it is fitted shall not exceed 3 mm.</p> <p>The frame supporting the mesh or perforated sheet shall be made from—</p> <ul style="list-style-type: none"> (a) metal; or (b) bushfire-resisting timber (see Appendix F of AS3959 - 2009); or (c) a timber species as specified in Paragraph E2, Appendix E of AS3959 - 2009).
	Windows	<p>Window assemblies shall comply with one of the following:</p> <ul style="list-style-type: none"> (a) They shall be completely protected by a bushfire shutter that complies with Clause 5.5.1 of AS 3959-2009; or (b) They shall be completely protected externally by screens that comply with Clause 5.5.1A of AS 3959-2009; or (c) They shall comply with the following: <ul style="list-style-type: none"> (i) For window assemblies less than 400 mm from the ground or less than 400 mm above decks, carport roofs, awnings and similar elements or fitting having an angle less than 18 degrees to the horizontal and extending more than 110 mm in width from the window frame (see figure D3, Appendix D of AS 3959-2009), window frames and window joinery shall be made from: <ul style="list-style-type: none"> (A) Bushfire resisting timber (see Appendix F of AS 3959-2009); or (B) A timber species as specified in Paragraph E2, Appendix E of AS 3959-2009; or (C) Metal; or (D) Metal reinforced PVC-U. The reinforcing members shall be made from aluminium, stainless steel or corrosion-resistant steel and the frame and sash shall satisfy the design load, performance and structural strength of the member. (ii) Externally fitted hardware that supports the sash in its functions of opening and closing shall be metal. (iii) Where glazing is less than 400 mm from the ground or less than 400 mm above decks, carport roofs, awnings and similar elements or fittings having an angle less than 18 degrees to the horizontal and extending more than 110 mm in width from the window frame, the glazing shall be Grade A safety glass minimum 4 mm thickness, or glass blocks with no restrictions on glazing methods. (iv) Where glazing is other than specified in (iii), annealed glass can be used. (v) Openable portions of windows shall be screened internally and externally with screens that apply with Clause 5.5.1A of AS 3959-2009.
	Doors- Side hung external doors (including French doors, panel fold and bi-fold doors)	<p>These doors must comply with one of the following:</p> <ul style="list-style-type: none"> (a) Doors and door frames shall be protected by bushfire shutters that comply with Clause 5.5.1 of AS3959 - 2009. or (b) Doors and door frames shall be protected externally by screens that comply with Clause 5.5.1A AS3959 - 2009. or (c) Doors and door frames shall comply with the following: <ul style="list-style-type: none"> (i) Doors shall be—

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		<p>(A) non-combustible; or</p> <p>(B) a solid timber, laminated timber or reconstituted timber door, having a minimum thickness of 35 mm for the first 400 mm above the threshold; or</p> <p>(C) a door, including a hollow core door, with a non-combustible kick plate on the outside for the first 400 mm above the threshold; or</p> <p>(D) a door, including a hollow core door, protected externally by a screen that complies with Clause 5.5.1A AS3959 - 2009; or</p> <p>(E) a fully framed glazed door, where the framing is made from materials specified for bushfire shutters (see Clause 5.5.1 of AS3959 - 2009), or from a timber species as specified in Paragraph E2, Appendix E of AS3959 - 2009.</p> <p>Where doors incorporate glazing, glazing must comply with glazing requirements for windows.</p> <p>Doors must be tight fitting to the door frame and to an abutting door, if applicable.</p> <p>Where any part of the door is less than 400 mm from the ground or less than 400 mm above decks, carport roofs, awnings and similar elements or fittings having an angle less than 18 degrees to the horizontal and extending more than 110 mm in width from the door (see figure D3, Appendix D of AS 3959-2009), that part of the door frame shall be made from;</p> <ul style="list-style-type: none"> (a) Bushfire resisting timber (see Appendix F of AS 3959-2009); or (b) A timber species as specified in Paragraph E2, Appendix E of AS 3959-2009; or (c) Metal; or (d) Metal reinforced PVC-U. The reinforcing members shall be made from aluminium, stainless steel or corrosion resistant steel and the door assembly shall satisfy the design load, performance and structural strength of the member. <p>Weather strips, draught excluders or draught seals shall be installed at the base of side-hung external doors.</p>
	Doors- sliding doors	<p>Sliding doors shall comply with one of the following;</p> <ul style="list-style-type: none"> a) They shall be completely protected by a bushfire shutter that complies with Clause 5.5.1 of AS 3959-2009; or b) They shall be completely protected externally by screens that comply with Clause 5.5.1A of AS 3959-2009; or c) They shall comply with the following: <ul style="list-style-type: none"> (i) Any glazing incorporating in sliding doors shall be Grade A safety glass complying with AS 1288. (ii) Both the door frame supporting the sliding door and the framing surrounding any glazing shall be made from: <ul style="list-style-type: none"> (a) Bushfire resisting timber (see Appendix F of AS 3959-2009); or (b) A timber species as specified in Paragraph E2, Appendix E of AS 3959-2009; or (c) Metal; or (d) Metal reinforced PVC-U. The reinforcing members shall be made from aluminium, stainless steel or corrosion resistant steel and the frame must be able to hold the design load and structural strength.

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		<p>(iii) No requirements to screen the openable part of the sliding door. However, if screened must comply with Clause 5.5.1A of AS 3959-2009.</p> <p>(iv) Sliding doors shall be tight-fitting in the frames.</p>
	Doors- vehicle access doors (garage doors)	<p>The following applies:</p> <p>(a) Lower portion of vehicle access door that is within 400 mm of the ground when door is closed shall be made from:</p> <ul style="list-style-type: none"> (i) Non-combustible material; or (ii) Bushfire resisting timber (see Appendix F of AS 3959-2009); or (iii) Fibre cement sheet, a minimum of 6 mm in thickness; or (iv) A timber species as specified in Paragraph E1, Appendix E of AS 3959-2009; or (v) A combination of any item above. <p>b) Panel lift, tilt doors or side-hung doors shall be fitted with weather strips, draught excluders, draught seals or guide tracks, as appropriate to the door type with maximum gap no more than 3 mm.</p> <p>c) Roller doors shall have guide tracks with maximum gap no greater than 3 mm and fitted with a nylon brush that is in contact with the door, (see figure D4, Appendix D of AS 3959-2009).</p> <p>d) Vehicles access doors shall not include ventilation slots.</p>
Roofs (Including veranda and attached carport roofs, penetrations, eaves, fascias, gutters and downpipes)	General	<p>The following apply to all types of roofs and roofing systems.</p> <p>Roof tiles, roof sheets and roof covering accessories shall be non-combustible.</p> <p>The roof/wall junction must be sealed to prevent openings greater than 3 mm, by using fascia and eaves lining or by sealing between the top of wall and underside of roof and between the rafters at the line of the wall.</p> <p>Roof ventilation openings such as gable and roof vents, shall be fitted with ember guards made of non-combustible material or a mesh or perforated sheet with a maximum aperture of 2mm, made of corrosion-resistant steel, bronze or aluminium.</p>
	Tiled roofs	<p>Tiled roofs shall be fully sarked. The sarking shall—</p> <ul style="list-style-type: none"> (a) be located on top of the roof framing, except that the roof battens may be fixed above the sarking; (b) cover the entire roof area including ridges and hips; and (c) extend into gutters and valleys.
	Sheet roofs	<p>Sheet roofs shall—</p> <ul style="list-style-type: none"> (a) be fully sarked in accordance with Clause 5.6.2, except that foil-backed insulation blankets may be installed over the battens; and (b) have any gaps greater than 3 mm (such as under corrugations or ribs of sheet roofing and between roof components) sealed at the fascia or wall line and at valleys, hips and ridges by— (i) a mesh or perforated sheet with a maximum aperture of 2 mm, made of corrosion-resistant steel, bronze or aluminium; or (ii) mineral wool; or (iii) other non-combustible material; or (iv) a combination of any of Items (i), (ii) or (iii) above.
	Veranda, carport awning roofs	<p>The following apply to veranda, carport and awning roof:</p> <p>A veranda, carport or awning roof forming part of the main roof space, (see figure D1 (a), Appendix D of AS 3959-2009), shall meet all</p>

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		<p>requirements for the main roof, as specified in Clauses 5.6.1, 5.6.2, 5.6.3, 5.6.5 and 5.6.6 of AS 3959-2009.</p> <p>A veranda, carport or awning roof separated from the main roof space by an external wall, (see figures D1 (b) and D1 (c), Appendix D of AS 3959-2009), complying with clause 5.4 of AS 3959-2009, shall have a non-combustible roof covering.</p>
	Roof penetrations	<p>The following applies to roof penetrations:</p> <p>Roof penetrations, including roof lights, roof ventilators, roof mounted evaporative cooling units, aerials, vent pipes and supports for solar collectors, shall be adequately sealed at the roof to prevent gaps greater than 3 mm. The material used to seal the penetration shall be non-combustible.</p> <p>Openings in vented roof lights, roof ventilators or vent pipes shall be fitted with ember guards made from a mesh or perforated sheet with a maximum aperture of 2 mm, made of corrosion-resistant steel, bronze or aluminium. This requirement does not apply to the exhaust flues of heating or cooking devices with closed combustion chambers. In the case of gas appliance flues, ember guards shall not be fitted.</p> <p>NOTE: Gasfitters are required to provide a metal flue pipe above the roof and terminate with a certified gas flue cowl complying with AS 4566. Advice may be obtained from State gas technical regulators.</p> <p>Grade A safety glass complying with as 1288 is required for all overhead glazing.</p> <p>Glazed elements in roof lights and skylights may be a polymer provided a Grade A safety glass diffuser, complying with as 1288, is installed under the glazing. Where glazing is an insulating glazing unit (IGU), Grade A toughened safety glass minimum 4 mm thickness, shall be used in the outer pane of the IGU.</p> <p>Flashing elements of tubular skylights may be of a fire-retardant material, provided the roof integrity is maintained by an under-flashing of a material having a flammability index no more than 5.</p> <p>Evaporative cooling units shall be fitted with non-combustible butterfly closers as close as practicable to the roof level or the unit shall be fitted with non-combustible covers with a mesh or perforated sheet with a maximum aperture of 2 mm, made of corrosion-resistant steel, bronze or aluminium.</p> <p>Vent pipes made from PVC are permitted.</p>
	Eaves lining, fascias and gables.	<p>The following apply to eaves linings, fascias and gables:</p> <ul style="list-style-type: none"> (a) Gables shall comply with Clause 5.4 of AS 3959-2009. (b) Eaves penetration shall be protected the same as for roof penetrations, as specified in Clause 5.6.5. (c) Eaves ventilation openings greater than 3 mm shall be fitted with ember guards made of non-combustible material or a mesh or perforated sheet with a maximum aperture of 2mm, made of corrosion-resistant steel, bronze or aluminium. <p>Joints in eaves linings, fascia's and gables may be sealed with plastic joining strips or timber storm moulds.</p> <p>This Standard does not provide construction requirements for fascia's, bargeboards and eaves linings.</p>

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	Gutters and downpipes.	<p>This Standard does not provide requirements for—</p> <ul style="list-style-type: none"> (a) Gutters, with the exception of box gutters; and (b) Downpipes. <p>If installed, gutter and valley leaf guards shall be non-combustible.</p> <p>Box gutters shall be non-combustible and flashed at the junction with the roof with non-combustible material.</p>
Verandas, Decks, Steps, Ramps and landings.	General	<p>Decking may be spaced.</p> <p>There is no requirement to enclose the subfloor spaces of verandas, decks, steps, ramps or landings.</p>
	Enclosed subfloor spaces of verandas, decks, steps, ramps and landings.	<p>Materials to enclose a subfloor space The subfloor spaces of verandas, decks, steps, ramps and landing are considered to be 'enclosed' when—</p> <ul style="list-style-type: none"> (a) the material used to enclose the subfloor space complies with Clause 7.4 of AS 3959-2009; and (b) all openings greater than 3 mm are screened with a corrosion-resistant steel, bronze or aluminium mesh with a maximum aperture of 2mm. <p>Supports This standard does not provide construction requirements for support posts, columns, stumps, stringers, piers and poles.</p> <p>Framing This standard does not provide construction requirements for the framing of verandas, decks, ramps or landing (i.e., bearers and joists).</p> <p>Decking, stair treads and the trafficable surfaces of ramps and landings Decking, stairs treads and trafficable surfaces of ramps and landings shall be—</p> <ul style="list-style-type: none"> (a) of non-combustible material; or (b) of bushfire-resisting timber (see Appendix F); or a) a combination of items above.
	Unenclosed subfloor spaces of verandas, decks, ramps and landings.	<p>Supports Support posts, columns, stumps, stringers, piers and poles shall be;</p> <ul style="list-style-type: none"> (a) of non-combustible material; or (b) of bushfire-resisting timber (see Appendix F of AS 3959-2009); or (c) a combination of items above. <p>Framing Framing of verandas, decks, ramps or landing (i.e. bearers and joists), shall be:</p> <ul style="list-style-type: none"> (a) of non-combustible material; or (b) of bushfire-resisting timber (see Appendix F of AS 3959-2009); or (c) a combination of the items above <p>Decking, stair treads and the trafficable surfaces of ramps and landings Decking, stair treads and the trafficable surfaces of ramps and landings shall -</p> <ul style="list-style-type: none"> (a) of non-combustible material; or (b) of bushfire-resisting timber (see Appendix F of AS 3959-2009); or or <p>a combination of items above</p>

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	Balustrades, handrails or other barriers	<p>Those parts of the handrails and balustrades less than 125 mm from any glazing or any combustible wall shall be-</p> <ul style="list-style-type: none"> (a) of non-combustible material; or (b) of bushfire-resisting timber (see Appendix F of AS 3959-2009); or (c) a combination of items above <p>Those parts of the handrails and balustrades that are 125 mm or more from the building have no requirements.</p>
Water and gas supply pipe		Above-ground water and gas supply pipes shall be metal.
<p>Note: Any sarking shall be:</p> <ul style="list-style-type: none"> a. Non-combustible; or b. Breather-type sarking complying with AS/NZS 4200.1 and with a flammability index of not more than 5 (see AS1530.2) and sarked on the outside frame; or c. An insulation material conforming to the appropriate Australian Standard for that material. <p>* This includes Addendum: Appendix 3 of Planning for Bushfire Protection, 2006.</p>		

Item: 08**Subject: DA2019 - 847.1 HOME BUSINESS AT LOT 3 DP 271063, NO.39
WEDGETAIL DRIVE, KEW****Report Author: Development Assessment Planner, Benjamin Roberts**

Applicant:	L K Van Der Mast and P A Van Der Mast
Owner:	L K Van Der Mast and P A Van Der Mast
Estimated Cost:	\$5,000
Parcel no:	67527

Alignment with Delivery Program

4.3.1 Undertake transparent and efficient development assessment in accordance with relevant legislation.

RECOMMENDATION

That DA 2019 - 847.1 for a Home Business (colonic lavage treatment) at Lot 3, DP 271063, No. 39 Wedgetail Drive, Kew, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a home business at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, two (2) submissions were received.

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact.

This report recommends that the development application be approved subject to the attached conditions.

1. BACKGROUND**Existing Sites Features and Surrounding Development**

The site has an area of 879m².

The site is zoned R1 General Residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



The existing subdivision pattern and location of existing development within the locality is shown in the following aerial photograph:



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Undertake a home business from the dwelling
- Installation a sauna for the purpose of the home business

Refer to Attachment 2 at the end of this report for plans of the proposed development.

Application Chronology

- 20 November 2019 - Application lodged.
- 25 November 2019 - Additional information request.
- 4 December 2019 - Additional information provided.
- 5 - 18 December 2019 - Public exhibition via neighbour notification.
- 11 December 2019 - Additional information request.
- 1 January 2020 - Additional information provided.
- 9 January 2020 - Additional information request.
- 20 January 2020 - Additional information provided.
- 23 January 2020 - Additional information request.
- 23 January 2020 - Additional information provided.

3. STATUTORY ASSESSMENT**Section 4.15(1) Matters for Consideration**

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

- (a) **The provisions (where applicable) of:**
(i) **any Environmental Planning Instrument**

State Environmental Planning Policy No. 44 - Koala Habitat Protection

There is no Koala Plan of Management on the site. Additionally, the site is less than 1ha in area therefore no further investigations are required.

State Environmental Planning Policy No. 55 – Remediation of Land

Following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

State Environmental Planning Policy No. 62 – Sustainable Aquaculture

Given the nature of the proposed development, proximity to waterways and existing stormwater controls the proposal will be unlikely to have any adverse impact on existing aquaculture industries.

State Environmental Planning Policy No 64 - Advertising and Signage

The proposed development does not include any signage. Standard conditions recommended advising of further consent requirements for signage that is not exempt development.

Port Macquarie-Hastings Local Environmental Plan 2011

The proposal is consistent with the LEP having regard to the following:

- Clause 2.2 - The subject site is zoned R1 General Residential.
- Clause 2.3(1) and the R1 zone land use table - Home Businesses are a permissible land use in the R1 zone.
- The following land use in the LEP is relevant to determine and characterise the proposed use:
 -
 - *home business means a business that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve—*
 - (a) *the employment of more than 2 persons other than those residents, or*
 - (b) *interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or*
 - (c) *the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or*
 - (d) *the exhibition of any signage (other than a business identification sign), or*
 - (e) *the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,*
 - *but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.*
- The objectives of the R1 zone are as follows:
 - To provide for the housing needs of the community.
 - To provide for a variety of housing types and densities.
 - To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- Clause 4.3, No change to the height of the existing dwelling is proposed. The proposed sauna is 2.11m in height, which complies with the 8.5m maximum building height applying to the site.
- Clause 4.4 - The proposed floor space ratio, comprising addition of the sauna, will be approximately 0.24:1, which complies with the maximum 0.65:1 floor space ratio applying to the site.
- Clause 5.4 - Development for the purpose of a home business must not involve the use of more than 60 square metres of floor area. The proposal would occupy a total area of approximately 13m². This area comprises bedroom 4 of 10m² and sauna of 3m².
- Clause 5.10 - The site does not contain or adjoin any known heritage items or sites of significance.

- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, storm water drainage and suitable road access to service the development.

(ii) Any draft instruments that apply to the site or are on exhibition:

No draft instruments apply to the site.

(iii) Any Development Control Plan in force

Port Macquarie-Hastings Development Control Plan 2013

No building work is proposed however the following relevant provisions of this plan are addressed as follows:

Car Parking

For the purpose of a home business, this plan requires parking for the dwelling component + 1 space for visitors + 1 space per 2 employees. Dwelling houses require 1 space per dwelling under this plan.

The existing dwelling contains a double garage and the resident of the dwelling is the only person that will be undertaking the business. No extra staff are proposed. Therefore, the proposal is required to provide 1 visitor space. One off-street parking space exists in the driveway of the site. Consistent with this plan sufficient off-street parking is proposed to serve the development.

Ancillary buildings

The proposal includes the installation of a sauna in the rear yard associated with the home business. While there are no specific provisions surrounding locations and setbacks for such structures associated with a home business, it is considered reasonable to apply the typical residential setback standards for detached ancillary structures. Those being a minimum of 900mm from side boundaries and maximum height of 4.8m. The proposed sauna is to be setback 1.3m from the northern side boundary and is 2.11m in height and consistent with these standards.

(iiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No planning agreement has been offered or entered into.

iv) Any matters prescribed by the Regulations

No matters prescribed by the regulations apply.

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, social and economic impacts in the locality:

Context and Setting

The site contains an existing dwelling which fronts Wedgetail Drive. Immediately adjoining the site is residential, development comprises single storey dwelling houses. Adjoining the site to the rear is vegetated land.

- The proposal will be unlikely to have any adverse impacts to existing adjoining properties or the public domain.
- The proposal is considered to be consistent with development in the locality and adequately addresses planning controls for the area.
- There are no adverse impacts on existing view sharing.
- There are no adverse privacy impacts.
- There are no adverse overshadowing impacts. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.

Roads, Traffic and Transport

The site has road frontage and direct access from Wedgetail Drive. The site is currently approved for residential use, The minor addition in traffic associated with the development i.e. one client per hour is unlikely to have any adverse impacts to the existing road network within the immediate locality.

Water Supply Connection

The site is currently serviced through a 20mm meter. Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements in accordance with AS3500. Minimum backflow protection is a Reduced Pressure Zone Device (RPZ) at the boundary. Details will be required as part of the section 68 application and approval process. Refer to relevant recommended conditions of consent.

Sewer Connection

The proposed development will drain to the existing sewer via the existing sewer connection. Details will be required as part of the section 68 application and approval process. Refer to relevant recommended conditions of consent.

Stormwater

No change to existing stormwater arrangements.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

No known items of Aboriginal or European heritage significance exist on the property. No adverse impacts anticipated.

Other land resources

The site is within an established urban context and will not sterilise any significant mineral or agricultural resource.

Water cycle

The proposed development will be unlikely to have any adverse impacts on water resources and the water cycle.

Soils

The proposed development will be unlikely to have any adverse impacts on soils in terms of quality, erosion, stability and/or productivity.

Air and microclimate

The operation of the proposed development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution. Standard precautionary site management condition recommended.

Flora and fauna

Construction of the proposed development will not require any removal/clearing of any native vegetation and therefore does not trigger the biodiversity offsets scheme. Part 7 of the Biodiversity Conservation Act 2016 is considered to be satisfied.

Waste

The dwelling and property is currently serviced by the standard domestic mobile bin collection arrangement.

Clinical waste will be generated from the business. The clinical waste will require separation and removal from site by an approved private waste contractor and disposal at an approved facility. A condition has been recommended requiring a clinical waste management arrangement to be in place prior to the business commencing operation.

Subject to the implementation of conditions, no adverse waste management impacts are anticipated. Standard precautionary site management condition is also recommended.

Energy

No adverse impact are anticipated.

Noise and vibration

The proposal is for 1 staff member and 1 client per hour. The proposed operational hours are from 9am to 10pm Monday to Saturdays.

Given the nature of the business and its confinement to a bedroom of the existing dwelling no adverse noise impacts are anticipated. However, given the residential context undertaking the home business to 10pm is considered unreasonable and has the potential to interfere with the amenity of the neighbourhood. It is recommended that operational hours be restricted to 7pm, which is considered more reasonable and reflective of the surrounding residential expectations.

Subject to the implementation of the recommended conditions surrounding operation times, no adverse noise impacts are anticipated that would warrant refusal of the application.

Bushfire

The site is identified as being bushfire prone. The proposal does not include any new residential component there is no increased risk from bushfire for the proposed home business component.

Safety, security and crime prevention

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area.

Social impacts in the locality

Given the nature of the proposed development and its' location the proposal is unlikely to result in any adverse social impacts.

Economic impact in the locality

No adverse impacts. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area.

Site design and internal design

The proposed development design satisfactorily responds to the site attributes and will fit into the locality. No adverse impacts likely.

Construction

No potential adverse impacts identified to neighbouring properties with the construction of the proposal.

Cumulative Impacts

The proposed development is not considered to have any significant adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

(c) The suitability of the site for the development

The proposal will fit into the locality and the site attributes are conducive to the proposed development.

(d) Any submissions made in accordance with this Act or the Regulations

Two (2) written submissions were received following public exhibition of the application. Copies of the written submissions have been provided separately to members of the DAP.

Key issues raised in the submissions received and comments are provided as follows:

Submission Issue/Summary	Planning Comment/Response
The proposed hours of operation are excessive in a residential area.	Conditions are recommended to limit operations to 7pm on Mondays to Saturdays as opposed to 10pm as proposed.
Increase in traffic and deliveries will result in traffic and noise impacts.	Refer to comments under roads, traffic and transport heading of this report.
Odour and pollution impacts in the event of system failure of malfunction.	The proposed system is contained to the treatment room within the dwelling and will be directly connected to sewer. No adverse odour or pollution impacts are anticipated.
Lack of off street parking for clients.	One off-street parking space is required to serve the development. Off-street parking for one car is available in the driveway of the site.
Adverse social and amenity impacts of the residential area.	No significant adverse social or amenity impacts are identified that would warrant refusal of this application.
Medical waste needs to be	Conditions have been recommended to

Submission Issue/Summary	Planning Comment/Response
managed appropriately and not via the current domestic waste bin collection.	ensure clinical waste is managed separate to the domestic waste collection arrangements.
The proposal is completely out of place within this area.	Home business are permitted and typically, undertaken as exempt development within residential areas. Subject to the implementation of the recommended conditions, this proposal is not considered to be out of character for the area.

(e) The Public Interest

The proposed development satisfies relevant planning controls and will not adversely impact on the wider public interest.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- The proposal qualifies for the current exemption from water and sewer headwork charges that do not exceed \$2000. Specifically the calculated charges equate to \$695.80. Development contributions are therefore not required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- No additional residential component is proposed and therefore development contributions are not required under Section 7.11 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.
- The estimated cost of the development is \$5,000 and therefore development contributions are not applicable under section 7.12 of the Environmental Planning and Assessment Act, 1979. This only applies to development with an estimated cost being in the order of \$100,000 or greater in value.

5. CONCLUSION AND STATEMENT OF REASON

The application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

Attachments

1. DA2019 - 847.1 Recommended Conditions.
2. DA2019 - 847.1 Plans.

AGENDA

DEVELOPMENT ASSESSMENT PANEL 26/02/2020

- 3. DA2019 - 847.1 Plumbing Details
- 4. DA2019 - 847.1 Sauna Details
- 5. DA2019 - 847.1 Statement of Environmental Effects

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2019/847****DATE: 18/02/2020****PRESCRIBED CONDITIONS**

The development is to be undertaken in accordance with the prescribed conditions of Part 6 - Division 8A of the *Environmental Planning & Assessment Regulations* 2000.

A – GENERAL MATTERS

- (1) (A001) The development is to be carried out in accordance with the plans and supporting documents set out in the following table, as stamped and returned with this consent, except where modified by any conditions of this consent.

Plan / Supporting Document	Reference	Prepared by	Date
Statement of Environmental Effects	39 Wedgetail Drive	Lauren Van Der Mast	11 June 2019
Development plans as stamped	No reference	No author	Undated
Sauna details	Pages 1 to 4	Ihealth Saunas	18 February 2020
LIBBE Room and layout plumbing installation	MA-DRW-0016 Rev17	Tiller MIND BODY	Undated

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

- (2) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Appropriate dust control measures;
 2. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
 3. Building waste is to be managed via appropriate receptacles into separate waste streams;
 4. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidays

The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.

- (3) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (4) (A017) A separate development application for any proposed advertising signs (other than signs which are exempt development or approved under this consent) must be submitted to and approved by council prior to the erection or display of any such signs.
- (5) (A195) The serial number of the LIBBE system shall be submitted to the manufacturer for checking in accordance with the manufacturer's instructions in the LIBBE Room Layout & Plumbing Installation document. Note systems built after 2015 have serial numbers starting with either EE/E5. The serial number shall be checked prior to installation to ensure the system installed doesn't contain older, obsolete and/or outdated parts or instructions.
- (6) (A196) The installer shall note that the LIBBE manufacturer's details requires specific installation requirements for water supply, waste disposal and the installation of a dedicated electrical outlet for the colonic lavage machine. The NSW Ministry of Health recommends that the water used in colonic lavage treatments be regulated to be as close as possible to body temperature to prevent thermal shock and scalding.
- (7) (B001) Approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
 - Position and depth of the sewer (including junction)
 - Stormwater connection for the sauna structure
 - Water meter location
 - Council records indicate that the development site is currently serviced for water through a 20mm meter. Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements in accordance with AS3500. Minimum backflow protection is a Reduced Pressure Zone Device (RPZ) at the boundary.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

nil

C – PRIOR TO ANY WORK COMMENCING ON SITE

nil

D – DURING WORK

nil

E – PRIOR TO THE HOME BUSINESS USE COMMENCING

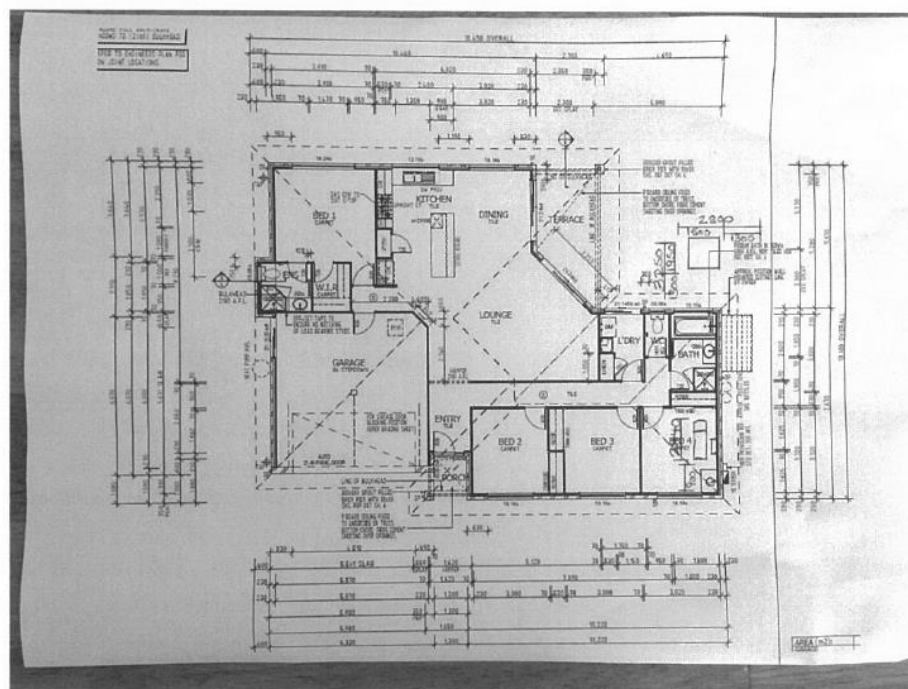
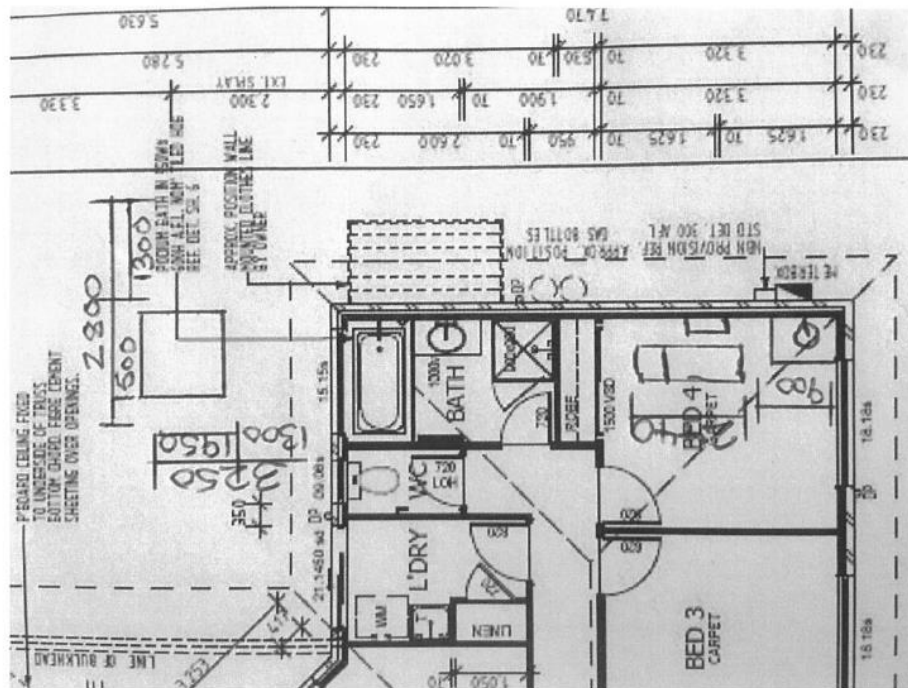
- (1) (E026) Prior to use of the premises a Public Health Act 2010 Notification Form shall be submitted to Council's Environmental Health Officer and payment of "Public Health Premises - Notification Fee" made.
- (2) (E027) Prior to use of the premises a satisfactory final site inspection shall be carried out on the premises by Council's Environmental Health Officer. The applicant shall arrange for this inspection to be undertaken with Council's

Environmental Health Officer. It will be expected that the skin penetration treatment room meets the requirements of:

- a. The Local Government (General) Regulation 2005,
 - b. The Building Code of Australia,
 - c. Public Health Act 2010,
 - d. Public Health Regulation 2012
- (3) (E051) Prior to use of the premises a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
 - (4) (F019) Clinical wastes shall be separately stored and removed from the site by an approved clinical waste contractor for disposal at an approved facility. Arrangements shall be in place prior to use of the premises and details of this arrangement shall be provided to Port Macquarie-Hastings Council.
 - (5) Prior to use of the premises a copy of the final occupation certificate for the dwelling as per development application 2018/898 shall be provided to Port Macquarie-Hastings Council.

F – OCCUPATION OF THE SITE

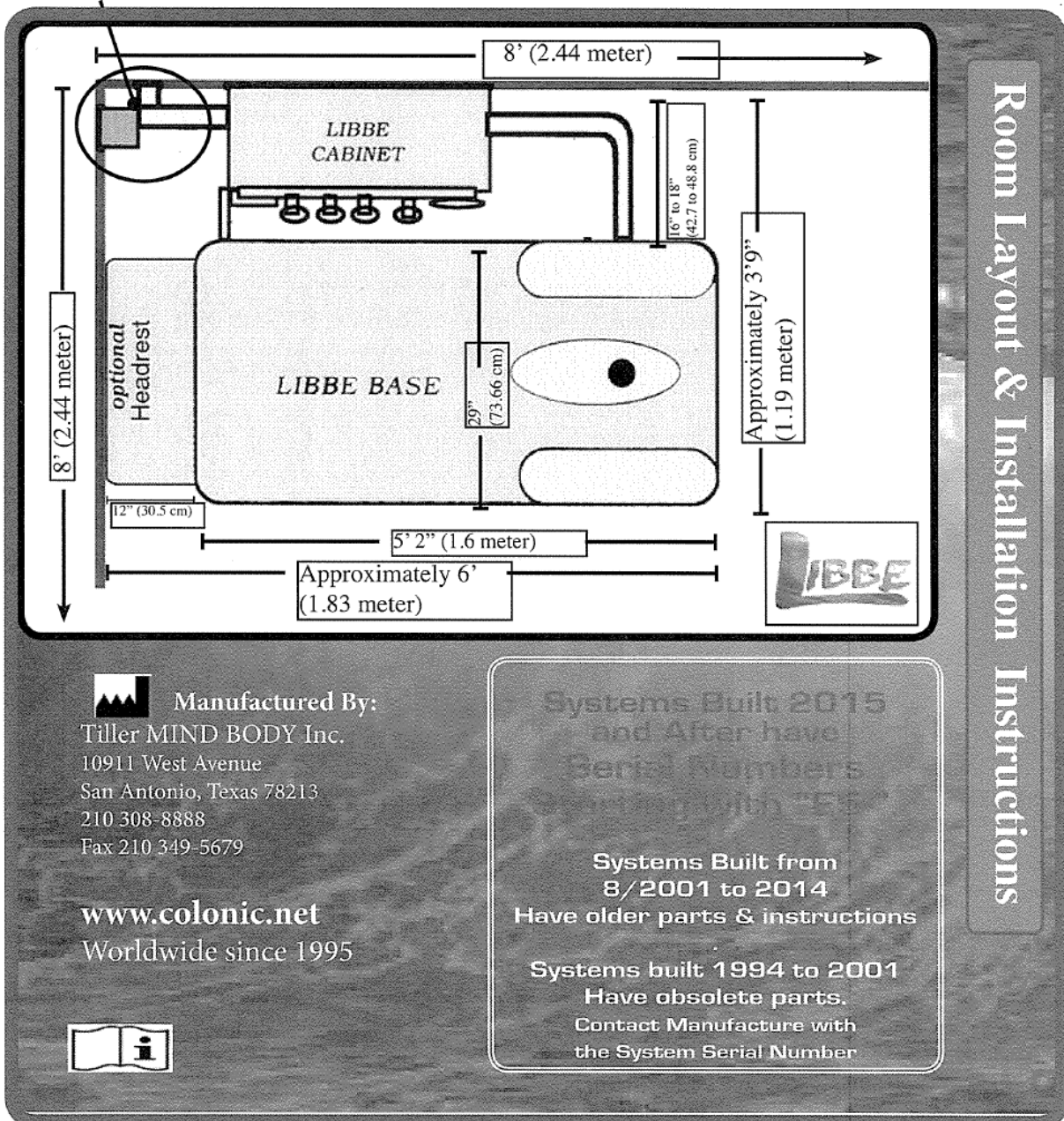
- (1) (F001) On site car parking is to be provided in an unrestricted manner at all times during the operations of development for use by both residents and patrons.
- (2) (F003) All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- (3) (F015) All work, maintenance and testing of colonic lavage machine shall be carried out within the building.
- (4) (F016) Offensive odours shall not be generated by the development, including the process of colonic lavage treatments.
- (5) (F024) Offensive noise as defined under the Protection of the Environment Operations Act 1997, shall not be generated as a result of the operation of the development.
- (6) (F025) Hours of operation of the development, including deliveries, are restricted to the following hours:
 - 9am to 7pm – Mondays to Saturdays
 - No work is to be carried out on Sundays and Public Holidays
- (7) (F196) The operation, occupation and maintenance of the skin penetration premises shall comply with all relevant NSW legislation and NSW Ministry of Health and NSW EPA waste requirements.
- (8) (F197) The use of the colonic lavage machine/system shall be operated and maintained with all relevant NSW legislation, NSW Ministry of Health requirements and the manufacturers specification and recommendations.
- (9) (F198) The water used in the colonic lavage treatments shall be regulated so it is as close as possible to body temperature to prevent thermal shock and scalding.
- (10) All equipment associated with the colonic lavage system and skin penetration procedures which are not single use and/or disposed of immediately, shall be thoroughly cleaned in an equipment cleaning sink which is separate to the hand wash basin provided in the treatment room. Further required cleansing, sanitising and/or sterilisation shall be carried out in accordance with NSW legislation.



LIBBE Room Layout & Plumbing Installation



In Corner of Room: Rough Plumbing Connections include:
Hot & Cold Water Supply, Waste line, Independent Vent Line, plus a G.F.C.I. Electrical Outlet -
All MUST be INSTALLED on LEFT SIDE in CORNER where LIBBE System is placed.



Print 11/17 MA-DRW-0016 Rev 17.



LIBBE ROOM SET-UP WITH THESE IDEAL CONFIGURATIONS



Ideal room size is 8' x 8' (2.44m x 2.44m) or room may be Larger.

(Rooms smaller than 8' x 8' will be very tight and will prevent Wheel Chair access.)

However a room size 6'6" (2.1m) wide x 8' (2.5m) long, for installation in personal residence will work.

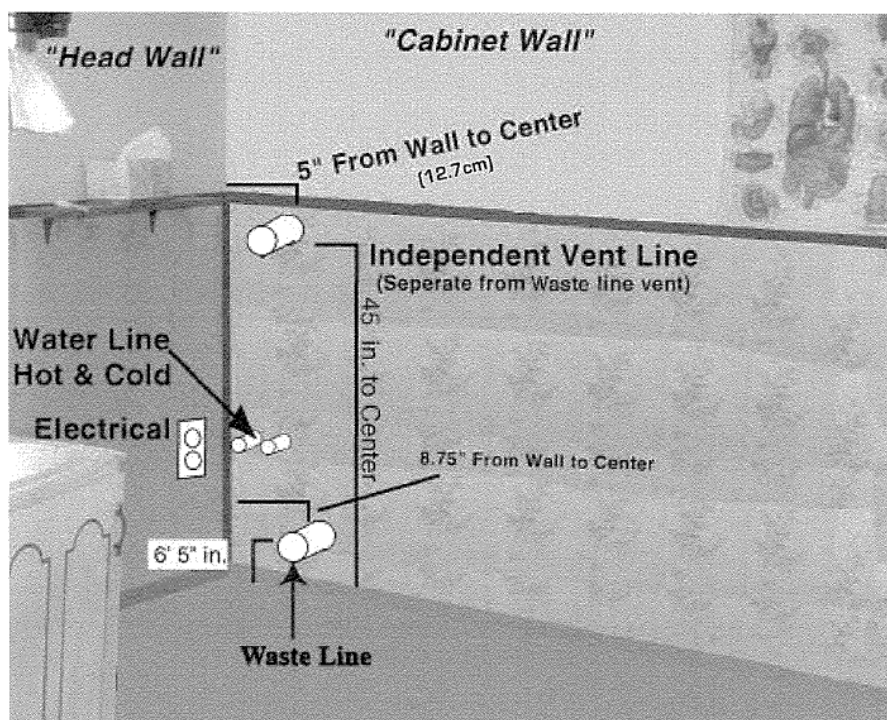
The Wall that LIBBE Base (table) is placed parallel to, (shown here as "Cabinet Wall")
Must be a minimum of 8' (2.44m) wide - This Wall should have no doors or obstructions.

"LIBBE" MUST be Installed with PLUMBING on LEFT SIDE of Device! (Usually in a corner)
(Note: Right side Installation should NOT be considered! - Installing on wrong side will prevent
A safe gravity flow and waste line will not drain properly! You will end up with excessive plumbing costs!)

Important that the center of PVC pipe (Waste Line) is no higher than 6 -1/2" (17cm) above the
Floor and no more than 8 -3/4" (22.2cm) from the corner of the wall.
For proper draining of waste material.

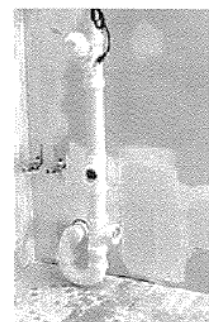
Option 1. Diagram shows The LIBBE Cabinet hangs on the wall shown here as **"Cabinet Wall"**

A dedicated toilet and sink should be nearby, but should **NOT** be in the LIBBE room.
This will delay timing for next scheduled session, as client will be detained and you cannot clean Device.



Option 1

Plumbing/Waste Line
Coming through
"Cabinet Wall"



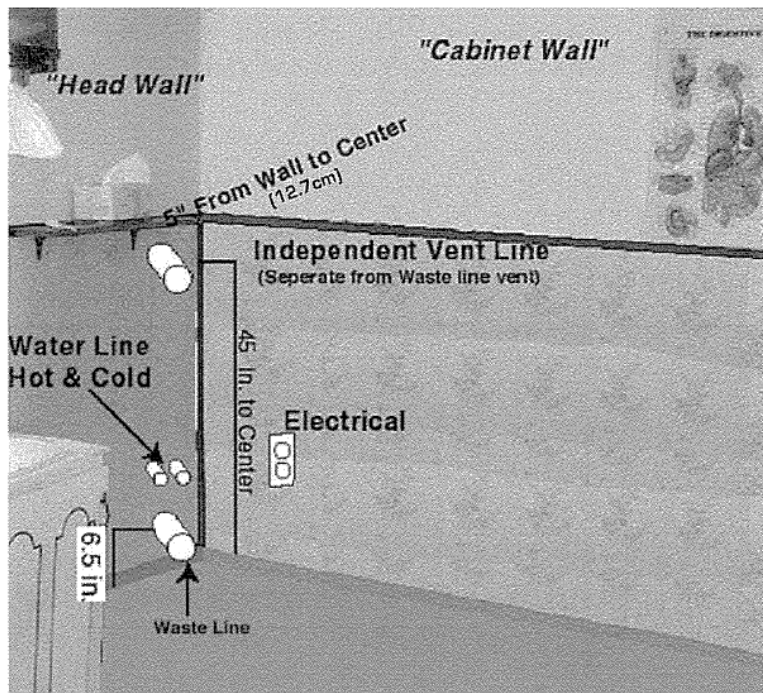
Waste Line
coming
Through
"Cabinet Wall"

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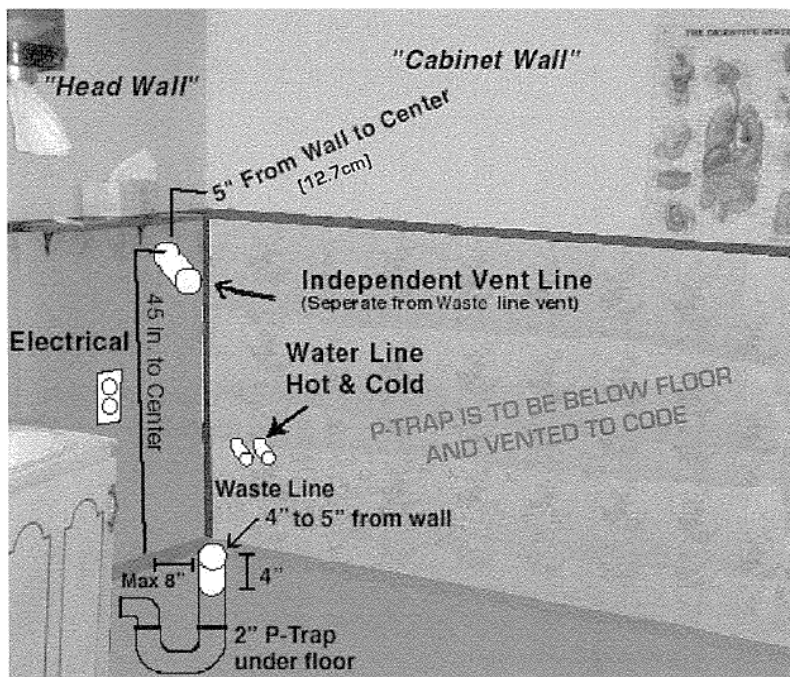
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LIBBE ROOM SET-UP ROOM OPTIONS FOR PLUMBING



Option 2
Plumbing/Waste Line
Coming through
"Head Wall"



Option 3
Plumbing/Waste Line
Coming through
"Floor"

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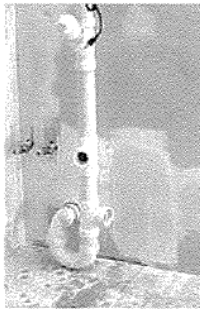


LIBBE PLUMBING ROOM SET UP REQUIREMENTS



1 of 3.] WASTE LINE / DRAIN LINE- (Vent as Codes Require)

- The 2" (5.1cm) PVC pipes (Five Feet of 2" White PVC PIPE is shipped with LIBBE)
 - PVC pipe (waste Line) located NO HIGHER than 6-1/2" (17cm) to center of 2" PVC Pipe from the Floor. (Out of wall near corner, just high enough for P-Trap to fit)
 - Leave a minimum of at least 5" (12.7cm) PVC extended through the wall or extending Up from the floor (as from slab or a basement).
 - Waste Line must be located close to corner of room. No more than 8 3/4" (23cm) to Center of PVC from corner. - Waste/Drain line vented as Necessary for drainage.
- Note: DO NOT Install a P-TRAP Inside Wall or Under Floor. (Prevents Double P-traps.)
P -Trap, Pipe and Fittings shipped with Device, to be connected at time of Installation.



Waste Line
coming
Through
"Cabinet Wall"



Waste Line
coming
Through
"Head Wall"



Odor Control Fan
Shown here going up
into the ceiling

2 of 3.] INDEPENDENT VENT PIPE LINE IS DESIGNED TO CONTROL ODOR!

This LINE is separate from the VENT LINE and Runs Independently to the Atmosphere. Important - Do not attach the Odor Vent Line to the Waste Line, or to any other Vent Lines! An Odor Control Fan System will be attached.

(2" PVC Pipes and the Odor Control Fan System is included with LIBBE)

Note: Think of this Odor Vent System similar to a Clothes Dryer Vent.

The Odor Vent Pipe should be 45" (1.15m) from the floor and 5" from each corner to the center of the 2" PVC (5.1 cm). The Odor Vent Pipe may be installed inside or outside the wall, leaving a minimum of 5" (12.7cm) PVC extending through the wall inside the room to connect Odor Control Fan as may need to replace in future.

STEP 3. Continued

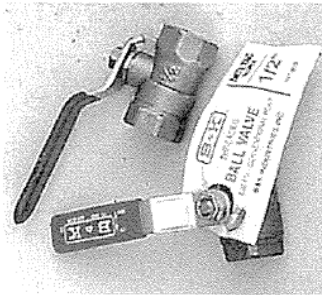


LIBBE PLUMBING ROOM SET UP REQUIREMENTS Continued...



3 of 3.) One HOT and One COLD Water Supply Lines:

- Two (5.1 cm) - Female Ball Valves - 1/2" Threaded (12.7mm) - no higher off the floor than 30" (76.2cm) Below LIBBE independent vent line and close to corner either corner.



**Note: Parts for LIBBE Room will be -
Two - Female Ball Valves - 1/2" (12.7mm) Threaded
ONE Hot & ONE Cold Water Line
Do not use substitute Ball Valves.**

(Ball Valves are not included with LIBBE purchase)

ATTENTION PLUMBERS LIBBE BACK FLOW WATER SAFETY EXCEEDS PLUMBING CODES!

SEE DRAWING PAGE 12

- There is a check valve on the LIBBE Base immediately behind the connector nozzle.
- There is a second check valve in-line before the Ultra Violet system in the Cabinet,
- Plus IF any possible Bacteria were to get past TWO Check Valves, it would have to pass thru an Ultra Violet Water Purification System which has a 99.9% safety rating, and even If bacteria were to get thru the UV system, bacteria would then have to pass Upwards through the water column and then Leap upwards more than 1-1/2 inches (5.1cm) (Open Air Gap) into the city water system, go backwards through the pump that only pumps water forward and then jump up into the water holding tank, of which has a 1 inch Open Air Gap and a Anti-siphon "Fluid Master 400" installed!

(ASSE 1002 Code Approved)

- There is also a Watts Anti-Siphon Vacuum Breaker (ASSE 1001) on the View Tube Flush Line.
- System is designed with several Air Gaps (from 1" to 4" Air Gaps) throughout the System to prevent Back Flow!

Additional Back Flow Prevention Valves are NOT Necessary!

CAUTION!

LIBBE Medical Systems are Manufactured & Tested to meet the required USA and International safety regulations.

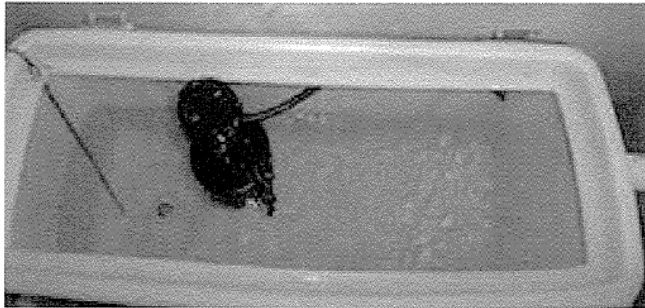
Any deviations (changes) from Manufacturer Installation Instructions will become the Responsibility & Liability of the Installer & Owner and Warranty will be Voided

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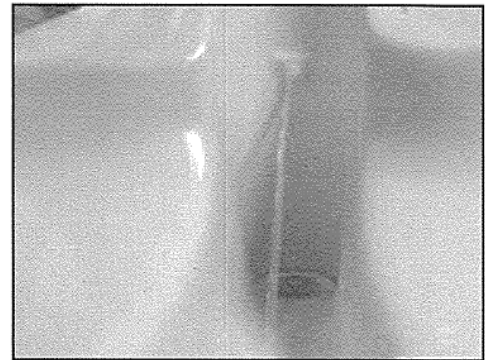
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**LIBBE AIR GAPS
To Meet Plumbing Codes**

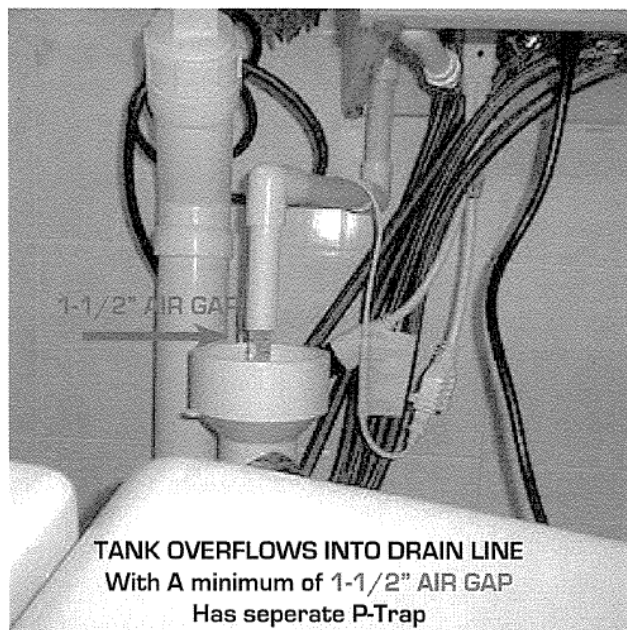
Manufacturer has designed LIBBE System with several Air Gaps to prevent Back Flow [See Design Drawing on Page 12. #37.]



**FLUID MASTER 400 FILL FLOAT VALVE
INSIDE WATER TANK**
(Anti Siphon Stands 1+" above the Overflow Inside Tank)



**Connector Nozzle Draining into Base
Where Waste/Water drains
Into Waste Line (Over 4" Air Gap)**



**TANK OVERFLOWS INTO DRAIN LINE
With A minimum of 1-1/2" AIR GAP
Has seperate P-Trap**

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PLUMBING PARTS MEET ANSI/ ASME, USA-ASSE, ASTM



Fluid Master Fill Float Valve Inside Tank - EXCEEDS BACK FLOW CODES!
Fluid-master Anti Siphon Valve (400 series) USA-ASSE 1002, Canada-CSA, Meets Mexico, Australia, British, Sweden, Singapore, Hong Kong and others!

Anti-Siphon Valves - Watts Vacuum Breaker:
ASSE 1001, ANSI A112.1.1 Watts LF288A, Canada - CSA B64

Check Valves - CPVC/EPDM 1/2 inch: (Silicone Free)
Type 360, ASTM D-2467, ANSI B1.20.1

GROHE Volume Control Valves - 29-273 Series, ANSI/ASME A112.18.1M,

MOEN - Mixing Valve - Posi-Temp Valve (Pressure Balancing Valve)
ASME A112.10.1M, Canada - CSA B-125

Female Ball Valves - 1/2 inch: (12.7mm) Threaded

PVC - Pipe: plus Fittings, Unions, Couplings etc.
ASTM D1785, ASTM D-2466, ANSI B1.20

CPVC - Pipe plus Fittings, Unions, adapters etc.: ASTM D-1598

Clear View Tube - PVC Pipe with a 90° curve is clear with no coloring

Water Pressure Tests:

Tests conducted for US-FDA and International Agencies by a; TEKMETEER, Fluke PV350 pressure Transducer module. Water pressure with Flow Control Valve full open: 1.5psi - Maximum flow rate was 2,661.66 milliliters per minute.

A Few of the Testing Symbols are:



Plumbing Inspectors: Should further code clarification be needed,

Please contact our Consultant:

Robert Stricker @ RVS Code Consulting, LLC. Email: rvs1123@gmail.com

Licenses & Certification: M 13186; I 1412; BPAT 0007361; IAPMO Certified 09553
40 yrs construction; 34 yrs Licensed Master Plumber with medical gas & multipurpose Fire Sprinkler
Endorsements; 26 years in municipal code inspections; 19 yrs Chief Plumbing Inspector and
4-1/2 yrs as Director of Planning & Development Services.

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ELECTRICAL Room Set up Requirements



Electrical Parts: UL Listed and LIBBE System passed Electrical Testing at MET Labs!

Requires One - G.F.C.I. 15 amp Electrical outlet from your Country installed on Wall!
[110 volt - 60 Hz.] USA standard [110, 115 & 120 volts will work] Pull is less than 2 amps of power! The G.F.C.I. Outlet will be located on either wall within easy access so you can reach in event of re-setting, and within 5' (1.5m) of the corner near the LIBBE plumbing.

Note: If your going to have an optional Hot Water Heater Booster, a CD Player, or Other Electric Item in Room you will need a separate Electrical Outlet.

Never plug anything else into the LIBBE System!

⚠ CAUTION: Grounding reliability can only be achieved when this equipment is connected to a matching receptacle and should be checked periodically.

DANGER: To reduce the risk of electrical Shock, **NEVER** open the Electric Control Box (Encapsulated Fiberglass Box).

There are No Serviceable parts inside. Warranty will be Voided if Opened!

Risk for explosion exists if used in the presence of flammable gases or liquids.

⚠ CAUTION: Do Not operate LIBBE Device in a Condensing Atmosphere.



Electrical Components used are UL Listed

- **G.F.C.I.:** Ground Fault Circuit Interrupter, 15 amp. For United States or International Electrical Codes.
[G.F.C.I. Not included with Device]
- **LIBBE Electric Control Box on 2015 & Up** [Two 3 amp Fuses] 110 volt - 60Hz. USA., Canada Standard.
All Electrical components are **UL** listed & pull less than two amps)110, 115 & 120 volts,50/60Hz.
- **CONTROL Temperature Controller (TC):** Partlow 1160+ 100-240V. 50/60Hz, Normal Operation: 98°F to 102°F
The TC Temperature Perimeters must be determined and calibrated by LIBBE Device Manufacture!
NOTE: Should water temperature go above 104°F (40°C) +2°, the TC shuts off electrical current to pump.
DO NOT TAMPER WITH MANUFACTURER PRE-SET TEMPERATURE SETTINGS!
- **PUMP:** For Circulating Water Inside Tank: UL. Recognized under the UL. Component program
March Pump 1A-MD-1/2 Mag Drive Pump C.S.A. Approved under File NO. 40072.
- **Odor Control Fan System:** HP; 1/125 V:115CFM @ 0.500 - In SP 23 UL Listed E474179
- **Ultraviolet Water Purification:** Made in Canada, EPA# 57987-CN-00, CE, **Bulb** Rated; 9,000 hours use.
To Keep water Purified - Replace Bulb every 12 months. [IF U Instructions in LIBBE Operations Manual]
- **View Tube 16" Light Bar:** Model #UC1011-WHG-16FO-U approx. 36,000 hours. 0.095-watt (152.4cm),

Tiller MIND BODY, Inc. Manufacturer of "The LIBBE" Colon Hydrotherapy System www.colonic.net
Room Set - up and Plumbing Instructions - Systems Built 2015 & After. Since 1995 - © COPYRIGHT

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Outdoor Far Infrared 'Barrel' Sauna

[ENQUIRE NOW](#)

The only outdoor barrel infrared sauna in Australia.

- Free delivery & installation Australia wide
- [Lifetime heater warranty](#)
- [Low EMF <3mG](#)
- [iHealth Masterclass](#)
- \$203 per fortnight interest free
- Dimensions: 1.95w X 1.5d x 2.11h
- 15 Amp powerpoint - 2770 Watts

**The perfect way to top off your outdoor area.**

After swimming laps in the pool, jump straight in to a hot infrared sauna, experiencing all the health benefits of the latest far infrared technology. We are bringing the European lifestyle to your backyard.

<https://ihealthsaunas.com.au/collections/saunas/products/outdoor-sauna>

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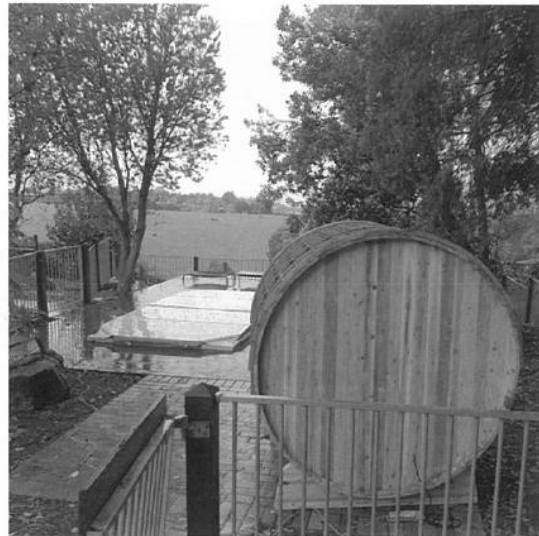
Power Requirements
Outdoor sauna is rated 2700 Watts using a 15 Amp plug.
This requires a dedicated circuit.

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Tried and tested in the most harsh conditions

Outdoor sauna can withstand the toughest Australian conditions. From the coldest Canberra winter to the hottest Mildura Summer, Outdoor Sauna handles:

- -3 degree and snow
- +45 degree and sun
- Rain & hail
- 10% - 99% humidity



[Enquire Now](#)



An Australian Designed Sauna for Australian Electrical Standards.

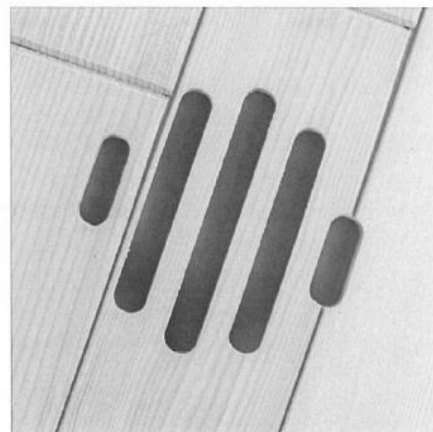
iHealth have set a new benchmark in sauna safety. Our saunas are built to Australian electrical safety standard AS/NZS 60335.1:2011 No. SGS-150639-E.

If anyone tells you their sauna has Australian Electrical Certification, ask to see their certificate. You'll be hard pressed to find anyone that can... unless it's us.

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Audio Relaxation

Listen to your favourite tunes whilst you relax and unwind. Our Outdoor sauna features bluetooth connectivity driven through concealed speakers.



Aromatherapy

Outdoor Sauna is fitted with iHealth Aromatherapy system.

Aromatherapy is well understood to influence mood and energy levels. We recommend a Lavender or Roman Chamomile for sleep sessions and peppermint for morning sessions. Learn more about oil recommendations in our Sauna Session book provided with each sauna.

We have partnered with Rare Earth Essential Oils and include 1 peppermint essential oil with your Outdoor sauna purchase.

Customer Reviews

<https://ihealthsaunas.com.au/collections/saunas/products/outdoor-sauna>

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STATEMENT OF ENVIRONMENTAL EFFECTS

This form is to be submitted for minor development applications only, such as new dwellings, alterations and additions and ancillary structures, change of use/first use of commercial and industrial premises. Other applications will require a comprehensive SOEE. Refer to SOEE Fact Sheet or Council's Duty Planner for assistance.

If you answer "yes" to any item in sections 4 to 8 you will need to detail the likely impact(s) and the proposed means of mitigating or reducing such impact(s). If insufficient space has been provided, attach additional sheet(s).

1. PROPERTY DETAILS

Lot No Section No DP/SP No Street No 39
 Street Name Wedgetail Drive
 Suburb/Town Kew Postcode 2443

2. PROPOSAL DESCRIPTION

Provide a description of the proposed development. Use bedroom 4 in
house (domestic) as a colonic clinic.

The following questions are to be completed for applications relating to home business/industry, shops, commercial and industrial premises.

Hours of operation? 9am - 10pm Monday - Saturday
 Client and staff numbers? 1 staff + 1 client per hour
 Type, size and quantity of goods to be made, stored or transported? Initial delivery of
colonic machine

Details of any deliveries (i.e. hours, frequency, type of vehicles)? Occasional delivery
from Australia Post during business hours.

Details of any retailing? Health. Small goods, in alignment with
colonic health.

Comments:

3. PLANNING INFORMATION

What is the zoning of the subject land? Residential

What is the current use of the land/building? Residential

Is your proposal:

• permissible in the zone? Yes ☒ No ☐

• consistent with the zone objectives? Yes ☒ No ☐

Does your proposal comply with the relevant:

• development standards (i.e. FSR, heights) in the Local Environmental Plan? Yes ☒ No ☐

• development control plan (e.g. setbacks, car parking)? Yes ☒ No ☐

If you answered "no" to any of the above questions, a detailed justification is required. Additionally, you should discuss your proposal with the Duty Planner before lodging your development application.

4. SITE SUITABILITY

Will the development:

• affect any neighbouring residences by overshadowing or loss of privacy? Yes ☐ No ☒

• result in the loss or reduction of views? Yes ☐ No ☒

• impact on any item of heritage or cultural significance? Yes ☐ No ☒

• result in land use conflict or incompatibility with neighbouring premises? Yes ☐ No ☒

• be out of character with the surrounding area? Yes ☐ No ☒

• be visually prominent within the existing landscape/streetscape? Yes ☐ No ☒

• require excavation or filling in excess of 1 metre? Yes ☐ No ☒

• require the erection or display of any advertising signage? Yes ☐ No ☒

Comments:

5. ENVIRONMENTAL IMPACTS

Is the site affected by any of the following natural hazards?

Yes ☒ No ☐

If yes, please indicate which hazard.

Flooding ☐ Bushfire ☒ Acid sulfate soils ☐

(Note: Information on natural hazards available from Council.

Will the proposal:

- result in any form of air pollution (smoke, dust, odour, etc)? Yes ☐ No ☒
- have the potential to cause any form of water pollution? Yes ☐ No ☒
- emit noise levels that could affect neighbouring properties? Yes ☐ No ☒
- be considered potentially hazardous or offensive (refer SEPP 33 for definitions)? Yes ☐ No ☒
- affect native or aquatic habitat? Yes ☐ No ☒
- have an impact on a threatened species or habitat? Yes ☐ No ☒
- involve the removal of any trees? (If yes, detail type and number below.) Yes ☐ No ☒

Comments:

.....

.....

6. ACCESS, TRAFFIC & UTILITIES

Are electricity and telecommunications services available to the site?

Yes ☒ No ☐

Does the site have access to town water?

Yes ☒ No ☐

Does the site have access to town sewerage?

Yes ☒ No ☐

If you answered no to the above, is a waste water report attached?

Yes ☐ No ☐

Provide details of on-site parking, including number of spaces.

.....

Is lawful and practical access available to the site?

Yes ☒ No ☐

Will the development increase local traffic movements and volumes?

Yes ☐ No ☒

Are appropriate manoeuvring, unloading and loading facilities available on site?

Yes ☒ No ☐

(Note: Turning templates may be required for medium density, commercial and industrial.)

Provide details of proposed method of stormwater disposal (e.g. street, rubble drain, rainwater tank)

.....

Comments:

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7. SOCIAL & ECONOMIC IMPACTS (Not applicable to new dwellings, additions or like.)

Will the proposal have any social or economic impacts in the area? Yes ☐ No ☒

Have you conducted any community consultation (e.g. neighbours, Police)? Yes ☐ No ☒

Have you considered Council's Social Impact Assessment Policy? Yes ☐ No ☒

Comments:

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.....

8. WASTE DISPOSAL

Provide details of waste management, including reuse and recycling Machine uses town
Water and empties into sewage.

How and where will the wastes be stored? ~~Heat grade bin~~ Outside
(plastic) bagged into red bin.

Does the proposed use generate any special wastes (e.g. medical, contaminated)? Yes ☒ No ☐

Will the use generate trade wastes (e.g. greasy or medical wastes)? Yes ☒ No ☐

Comments: Minimal waste from each client session. Plastic
gloves + nappies.

.....

.....

[Signature]
APPLICANT'S SIGNATURE

11/6/19
DATE